

EVI DIXON

<p style="text-align: right;">Page 1</p> <p style="text-align: center;">IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA BUTTE DIVISION</p> <hr/> <p>JOHN MEYER, Plaintiff, vs. Cause No. 18-CV-00002-BMM BIG SKY RESORT, Defendant.</p> <hr/> <p style="text-align: center;">VIDEOTAPED DEPOSITION UPON ORAL EXAMINATION OF EVI DIXON</p> <hr/> <p>BE IT REMEMBERED, that the videotaped deposition upon oral examination of EVI DIXON, appearing at the instance of Defendant, was taken at the offices of Crowley Fleck, PLLP, 1915 South 19th Avenue, Bozeman, Montana, 59718, on the 24th day of January 2020, beginning at the hour of 8:59 a.m. pursuant to the Federal Rules of Civil Procedure, before Marla Jeske, Court Reporter - Notary Public, CSR.</p>	<p style="text-align: right;">Page 3</p> <p style="text-align: center;">I N D E X</p> <p>EXAMINATION OF EVI DIXON BY PAGE Mr. Ian McIntosh, Esq.....5, 126 Ms. Breean Walas, Esq.....118</p> <p>E X H I B I T S R E F E R R E D T O: Exhibit 13.....86 Exhibit 25.....47, 52 Exhibit 29.....88-89 Exhibit 65.....123</p> <p>DEPOSITION EXHIBITS: Exhibit 70 Evi Dixon Subpoena.....13 Exhibit 71 NSAA, National Ski Areas Association, Collision Safety.....77-78 Exhibit 72 Colored Photograph with green markings.....85-86 Exhibit 73 Affidavit of Evi Dixon.....99, 122 Exhibit 74 Evi Dixon E-mail list.....117</p>
<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES 2 3 ATTORNEY APPEARING ON BEHALF OF THE 4 PLAINTIFF, JOHN MEYER: 5 Ms. Breean Walas, Esq. 6 Walas Law Firm 7 P.O. Box 4591 8 Bozeman, Montana 59772 9 breean@walaslawfirm.com 10 (501) 246-1067 11 ATTORNEYS APPEARING ON BEHALF OF THE 12 DEFENDANT, BIG SKY RESORT: 13 Mr. Ian McIntosh, Esq. 14 Mr. Mac Morris, Esq. 15 CROWLEY FLECK PLLP 16 1915 South 19th Avenue 17 P.O. Box 10969 18 Bozeman, MT 59719-0969 19 imcintosh@crowleyfleck.com 20 wmmorris@crowleyfleck.com 21 (406) 556-1430 22 ALSO PRESENT: 23 Mike Unruh 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 WHEREUPON, the following proceedings were had 2 and testimony taken, to-wit: 3 4 * * * * * 5 6 VIDEO TECHNICIAN: This is the time and place 7 set for the deposition of Evi Dixon in the case of 8 John Meyer, plaintiff, versus Big Sky Resort, 9 defendant. It is Cause Number 18-CV-0002 [sic], 10 dash, BMM in the United States District Court for 11 the district of Montana, Butte Division. 12 This video deposition is being held at 13 the offices of Crowley and Fleck located at 1915 14 19th Avenue in Bozeman, Montana. 15 Today's date is January 24th, 2020. The 16 time is 8:59 a.m. 17 The court reporter is Marla Jeske with 18 Bridger Court Reporting. I'm Mark Brown, the 19 videographer. 20 Will the attorneys please now identify 21 themselves for the record. 22 MS. WALAS: Breean Walas for the plaintiff. 23 MR. McINTOSH: Ian McIntosh and Mac Morris 24 for defendant, Big Sky. 25 VIDEO TECHNICIAN: Will the witness now</p>

EVI DIXON

<p style="text-align: right;">Page 5</p> <p>1 please be sworn in.</p> <p>2</p> <p>3 EVI DIXON,</p> <p>4 called as a witness herein, having been first duly</p> <p>5 sworn, was examined and testified as follows:</p> <p>6</p> <p>7 EXAMINATION</p> <p>8 BY MR. McINTOSH:</p> <p>9 Q. Can you please state your name.</p> <p>10 A. It's Evi Dixon.</p> <p>11 Q. And what is your address, Ms. Dixon?</p> <p>12 A. 3180 Curtis Lane, Manhattan, Montana,</p> <p>13 59741.</p> <p>14 Q. And your telephone number?</p> <p>15 A. 406 579-9694.</p> <p>16 Q. Have you ever had your deposition taken</p> <p>17 before?</p> <p>18 A. No.</p> <p>19 Q. Just to make sure that we understand the</p> <p>20 rules, I'm going to go through them.</p> <p>21 We need to talk one at a time. So even</p> <p>22 if you know exactly what I'm going to ask you, you</p> <p>23 need to let me finish the question before you start</p> <p>24 answering so the court reporter can get a good</p> <p>25 record. Do you understand that?</p>	<p style="text-align: right;">Page 7</p> <p>1 reason.</p> <p>2 Q. So you are prepared to give accurate and</p> <p>3 truthful testimony today?</p> <p>4 A. Yes.</p> <p>5 Q. Tell me what you did, if anything, to</p> <p>6 prepare for this deposition?</p> <p>7 A. Um, I met with Mr. Meyer a few times.</p> <p>8 We wrote down that affidavit that you have and I</p> <p>9 have a copy. I went through the second report of</p> <p>10 Mr. Petrozzi, Petrozzi. I think that's it.</p> <p>11 Q. Did you meet with Ms. Walas to prepare</p> <p>12 for --</p> <p>13 A. Yes, we met --</p> <p>14 Q. -- deposition?</p> <p>15 A. -- with Ms. Walas yesterday.</p> <p>16 Q. Why didn't you tell me that when I asked</p> <p>17 you what you did to prepare for the deposition?</p> <p>18 A. I was focused on the previous times.</p> <p>19 Q. When did you first meet with Mr. Meyer?</p> <p>20 A. Generally or for that -- for his case?</p> <p>21 Q. For his case.</p> <p>22 A. Um, I don't remember the exact date,</p> <p>23 November, end of November or middle of November.</p> <p>24 Q. Was that shortly after you were asked</p> <p>25 not to return to ski patrol at Big Sky?</p>
<p style="text-align: right;">Page 6</p> <p>1 A. I do.</p> <p>2 Q. And if you're answering a question and I</p> <p>3 come in with the next question before you're done,</p> <p>4 for example, you may pause, I might think you're</p> <p>5 done, if you haven't finished your answer, will you</p> <p>6 please let me know that you were not done?</p> <p>7 A. Yeah.</p> <p>8 Q. If I ask you a question and you do not</p> <p>9 understand it, will you let me know?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. So if you answer a question</p> <p>12 without letting me know that you do not understand</p> <p>13 it, we can understand -- "we" being me and the jury</p> <p>14 can understand that you did understand the</p> <p>15 question, right?</p> <p>16 A. Okay.</p> <p>17 Q. Is that correct?</p> <p>18 A. Yes.</p> <p>19 Q. Will you agree not to answer a question</p> <p>20 that you do not understand?</p> <p>21 A. Yes.</p> <p>22 Q. Is there any reason to believe today</p> <p>23 that you cannot give accurate and truthful</p> <p>24 testimony?</p> <p>25 A. Is there any reason? No, there's no</p>	<p style="text-align: right;">Page 8</p> <p>1 A. It was.</p> <p>2 Q. How soon after you were asked not to</p> <p>3 return as a ski patroller at Big Sky, did you meet</p> <p>4 with Mr. Meyer?</p> <p>5 A. Well, I don't remember the dates. I</p> <p>6 remember that I was told that I'm not going to be</p> <p>7 coming -- being rehired before the refresher. So</p> <p>8 it was like two weeks before the refresher started,</p> <p>9 very close. And um, I was asking if I can still</p> <p>10 attend the refresher and then I was told after two</p> <p>11 inquiries or so, no. And then after this, I think</p> <p>12 it was after that that I met, but I have no</p> <p>13 recollection of dates.</p> <p>14 Q. Did you contact Mr. Meyer and let him</p> <p>15 know that you had been asked not to return to Big</p> <p>16 Sky?</p> <p>17 A. We had a -- I contacted him because he</p> <p>18 posted on Facebook about his twin boys and I'm a</p> <p>19 craniosacral therapist. I needed to make some</p> <p>20 money, so I asked him if he would be -- I can treat</p> <p>21 his babies and he agreed that I treat his babies</p> <p>22 and himself and his wife and then we kind of talked</p> <p>23 that I'm not returning to Big Sky.</p> <p>24 Q. So how soon after you were asked not to</p> <p>25 return to Big Sky, did you agree to help Mr. Meyer</p>

2 (Pages 5 to 8)

<p style="text-align: right;">Page 9</p> <p>1 in his lawsuit?</p> <p>2 A. Maybe two, three weeks.</p> <p>3 Q. And whose suggestion was it that you</p> <p>4 help Mr. Meyer, your suggestion or his suggestion?</p> <p>5 A. I don't know.</p> <p>6 Q. What have you discussed with Mr. Meyer</p> <p>7 about his accident and this lawsuit?</p> <p>8 MS. WALAS: Objection, privileged.</p> <p>9 MR. McINTOSH: How? How is it privileged?</p> <p>10 MS. WALAS: When she met with him it was in</p> <p>11 an attorney work product capacity and they were</p> <p>12 meeting to make decisions on whether to move</p> <p>13 forward with her becoming an expert or not in the</p> <p>14 case.</p> <p>15 MR. McINTOSH: So are you going to instruct</p> <p>16 the third-party witness not to answer the question?</p> <p>17 MS. WALAS: Specific to that question, yes.</p> <p>18 BY MR. McINTOSH:</p> <p>19 Q. Okay. Ms. Dixon, does Ms. Walas</p> <p>20 represent you personally?</p> <p>21 A. No.</p> <p>22 Q. She's not your attorney, correct?</p> <p>23 A. No.</p> <p>24 Q. And are you going to tell me what you</p> <p>25 discussed with Mr. Meyer?</p>	<p style="text-align: right;">Page 11</p> <p>1 Q. So my question is, did you rely on any</p> <p>2 information that Mr. Meyer provided to you to form</p> <p>3 your opinions in this case?</p> <p>4 A. On some, yes.</p> <p>5 Q. Okay. So can you tell me what Mr. Meyer</p> <p>6 told you that you have relied on to form your</p> <p>7 opinions in this case?</p> <p>8 A. We -- one of the first things that we</p> <p>9 did, we looked at the picture of the -- of the</p> <p>10 Highway run where the Loop Road is cutting through</p> <p>11 between Highway and that Bermuda Triangle and we</p> <p>12 together looked at this picture where the people</p> <p>13 were standing on the catwalk, on the front, Loop</p> <p>14 Road.</p> <p>15 Q. Is there anything else you reviewed to</p> <p>16 form your opinions in this case other than that</p> <p>17 picture?</p> <p>18 A. Not that I recount.</p> <p>19 Q. Okay. So the only thing you relied on</p> <p>20 to form your opinions in this case is the picture?</p> <p>21 A. That was for sure the main thing and I</p> <p>22 don't think I had any other -- any other things</p> <p>23 not -- that was the picture.</p> <p>24 Q. Did you review Mr. Meyer's deposition</p> <p>25 transcript?</p>
<p style="text-align: right;">Page 10</p> <p>1 A. Can you repeat the question?</p> <p>2 Q. Yes. My question is, what did you</p> <p>3 discuss with Mr. Meyer?</p> <p>4 A. When I first met with him?</p> <p>5 Q. About this case. What did you discuss</p> <p>6 with Mr. Meyer about this case? That's the</p> <p>7 question I'm asking you.</p> <p>8 A. We discussed his accident and area of</p> <p>9 the accident and about my general work, what I've</p> <p>10 done in Big Sky.</p> <p>11 Q. And you relied on the information that</p> <p>12 he told you to provide to form your opinions in</p> <p>13 this case; is that right?</p> <p>14 A. I relied on -- did I rely on the -- what</p> <p>15 is the question?</p> <p>16 Q. Did you rely on things that he told you</p> <p>17 to form your opinions in this case?</p> <p>18 A. I don't remember what he told me. I was</p> <p>19 the accident investigator. I knew what I -- I kind</p> <p>20 of remembered the accident. I remember -- I</p> <p>21 actually remember his accident but I do not</p> <p>22 remember exact the form of the accident</p> <p>23 investigation and all the pictures and what was</p> <p>24 written, all the statements and the measurements</p> <p>25 because we have so many.</p>	<p style="text-align: right;">Page 12</p> <p>1 A. No.</p> <p>2 Q. Did you review the deposition of the</p> <p>3 witness Tom McMakin?</p> <p>4 A. Yesterday I heard that he was here and</p> <p>5 um, I -- Breean showed me my statement from the</p> <p>6 accident investigation.</p> <p>7 Q. Okay.</p> <p>8 A. What I said -- what he said.</p> <p>9 Q. So my question was, did you review</p> <p>10 Mr. McMakin's deposition?</p> <p>11 A. No.</p> <p>12 Q. Do you think it's important to review</p> <p>13 the deposition of the -- deposition testimony of</p> <p>14 the only witness to this accident?</p> <p>15 A. Yeah, but I don't have it.</p> <p>16 Q. So you agree that would be an important</p> <p>17 thing to review and you have not reviewed it,</p> <p>18 correct?</p> <p>19 A. I have not reviewed it. I don't have</p> <p>20 it.</p> <p>21 Q. You received a subpoena in December</p> <p>22 asking you to produce certain documents, correct?</p> <p>23 A. Correct.</p> <p>24 ///</p> <p>25 ///</p>

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<p>1 (Whereupon, Deposition 2 Exhibit Number 70 was 3 marked for identification.) 4 BY MR. McINTOSH: 5 Q. I'm going to hand you what I've marked 6 as Exhibit 70. Do you agree that Exhibit 70 is a 7 copy of the subpoena that you were served with 8 asking you to produce certain documents? 9 A. Yeah. 10 Q. And you were asked to produce any and 11 all documents in your possession or control 12 regarding John Meyer's ski wreck on December 11, 13 2015, including, but not limited to, all reports, 14 notes and correspondence, including e-mails or 15 texts with any current or former Big Sky employees 16 and all correspondence, including e-mails or texts, 17 with Mr. Meyer or anyone acting on his behalf; is 18 that correct? 19 A. Regarding his accident, yes. 20 Q. And did you comply with the subpoena? 21 A. I didn't have any messages with John 22 Meyer about his accident. 23 Q. You've never had any correspondence with 24 Mr. Meyer about his accident? 25 A. During -- during the time his lawsuit is</p>	<p>1 my knitted stuff and take some pictures of my 2 alpacas. 3 Q. And you had correspondence with 4 Mr. Meyer about all of those things? 5 A. On the phone. 6 Q. Did you have any written correspondence 7 either by e-mail, text, Facebook, any method with 8 Mr. Meyer? 9 A. Probably thanking him for the pictures 10 he took for my alpacas. 11 Q. Anything else? 12 A. No. 13 Q. Okay. Did you have correspondence with 14 Mr. Meyer on Facebook? 15 A. I did, yeah, on Facebook or on messenger 16 probably. Because we were Facebook friends, I 17 might have commented on something under his post. 18 Q. And you failed to produce that 19 correspondence in response to the subpoena? 20 A. I don't know how -- whoops, sorry. I 21 don't know how to find these correspondences. 22 Q. Don't you just simply look on your 23 Facebook page? 24 A. I looked but I couldn't find anything. 25 Q. Did you read that you can be held in</p>
Page 14	Page 16
<p>1 going, no. 2 Q. The subpoena is not limited to the time 3 that his lawsuit is going, is it? 4 A. Ski wreck, it's limited to his time of a 5 ski wreck. I didn't know John Meyer before his ski 6 accident. 7 Q. Well, if you didn't know him before his 8 ski accident, you didn't have any correspondence 9 with him before December 11, 2015, right? 10 A. Yeah, I didn't have any correspondence. 11 Q. Right. So have you had any 12 correspondence at any time with Mr. Meyer? 13 A. Yes. 14 Q. And you failed to produce that in 15 response to the subpoena, didn't you? 16 A. Because I was reading out of it that it 17 should have been regarding his ski wreck. 18 Q. So what correspondence have you had with 19 Mr. Meyer? 20 A. Um, he called me after he came back to 21 Big Sky. I went there in the morning when 22 Mr. Meyer and his girlfriend, Amanda, came to the 23 cafeteria where we had our morning meeting. I 24 shook their hands and then sometimes later on we 25 became Facebook friends and he came out to look at</p>	<p>1 contempt for failing to comply with the subpoena? 2 A. No. 3 Q. You failed to read that? 4 A. Yeah. 5 Q. What other correspondence have you had 6 with Mr. Meyer? 7 A. What other? So there is phone call, 8 there is text message, there is messenger on 9 Facebook. These might be the possibilities because 10 these are my main communication message systems. 11 Q. What text messages have you had with 12 Mr. Meyer? 13 A. I don't know. 14 Q. You don't even know the subjects you've 15 corresponded with Mr. Meyer about? 16 A. Well, the main subject that we had 17 corresponded was taking pictures of my alpacas and 18 wanting some knitted hats. I think by now I've 19 probably made three hats also for the babies. 20 Q. What about when in November when you 21 started speaking with Mr. Meyer about acting as an 22 expert witness for him, did you have correspondence 23 with him about that? 24 A. When to meet? Not about the accident on 25 messenger, as far as I recall but when, what time</p>

<p style="text-align: right;">Page 17</p> <p>1 we will meet.</p> <p>2 Q. Okay. So you had correspondence with</p> <p>3 Mr. Meyer about when to meet to discuss you helping</p> <p>4 him with his case, correct?</p> <p>5 A. Yes.</p> <p>6 Q. And you failed to produce that in</p> <p>7 response to the subpoena, correct?</p> <p>8 A. Correct.</p> <p>9 Q. Why didn't you produce correspondence in</p> <p>10 response to the subpoena?</p> <p>11 A. My focus was to bring all my evidence</p> <p>12 that I had from Big Sky, and being an accident</p> <p>13 investigator, so I delivered my laptop to you. I</p> <p>14 couldn't even log into the Big Sky laptop anymore.</p> <p>15 That's all I had.</p> <p>16 And I know that I have not done anything</p> <p>17 since we talked, as you as lawyer for Big Sky, you</p> <p>18 told me that I can't communicate with John Meyer,</p> <p>19 and when I was still working in Big Sky and I</p> <p>20 never had any communication with him during my</p> <p>21 employment.</p> <p>22 Q. Okay. And I'm going to move to strike</p> <p>23 the portion of the answer that was privileged</p> <p>24 information. That was not what the question asked.</p> <p>25 The subpoena asked you to produce,</p>	<p style="text-align: right;">Page 19</p> <p>1 communications with her.</p> <p>2 Q. But she sent you a letter and you failed</p> <p>3 to produce that letter in response to the subpoena,</p> <p>4 correct?</p> <p>5 A. That might have been after that date.</p> <p>6 Q. Well, what day was the letter?</p> <p>7 A. I don't remember.</p> <p>8 Q. And you did not object to the subpoena,</p> <p>9 correct?</p> <p>10 A. No, I'm really not court savvy and I</p> <p>11 really don't know when to do what. I tried my</p> <p>12 best.</p> <p>13 Q. Well, the directions are right in the</p> <p>14 subpoena on the third page, right?</p> <p>15 A. The little -- I usually don't read</p> <p>16 little print.</p> <p>17 Q. So if it's little you don't read it?</p> <p>18 A. Rarely.</p> <p>19 Q. Doesn't it say right there "duties in</p> <p>20 responding to a subpoena"?</p> <p>21 A. It probably does but I haven't read it.</p> <p>22 Q. Okay. You had the opportunity to read</p> <p>23 it though, correct?</p> <p>24 A. Of course.</p> <p>25 Q. And you could have of course worked with</p>
<p style="text-align: right;">Page 18</p> <p>1 quote, "all correspondence, including e-mails or</p> <p>2 texts with Mr. Meyer or anyone acting on his</p> <p>3 behalf," correct?</p> <p>4 A. Correct. I was thinking that it was</p> <p>5 doing -- you know, regarding the lawsuit.</p> <p>6 Q. Have you had any correspondence with</p> <p>7 anyone other than Mr. Meyer; in other words, anyone</p> <p>8 acting on his behalf?</p> <p>9 A. With his wife?</p> <p>10 Q. And you haven't produced that</p> <p>11 correspondence?</p> <p>12 A. Last week. That was last week.</p> <p>13 Q. Okay. Any other? Have you had</p> <p>14 correspondence with anyone else acting on</p> <p>15 Mr. Meyer's behalf?</p> <p>16 A. No.</p> <p>17 Q. You've never had communications with</p> <p>18 Ms. Walas?</p> <p>19 A. Yesterday, yes.</p> <p>20 Q. Okay. Have you ever had communications</p> <p>21 with Nadine Nadow, another attorney that was acting</p> <p>22 on Mr. Meyer's behalf?</p> <p>23 A. I heard that she was trying to be</p> <p>24 John's attorney and I think I had some letter that</p> <p>25 I got sent to me. I don't recall any verbal</p>	<p style="text-align: right;">Page 20</p> <p>1 an attorney, Mr. Meyer, to object if you wanted to,</p> <p>2 correct?</p> <p>3 A. Correct.</p> <p>4 Q. And you failed to do so, correct?</p> <p>5 A. Correct.</p> <p>6 Q. Did you send any bills to Mr. Meyer?</p> <p>7 A. No.</p> <p>8 Q. Bills for your time?</p> <p>9 A. No.</p> <p>10 Q. How much are you charging Mr. Meyer for</p> <p>11 your time in this matter?</p> <p>12 A. Um, I get about \$100 an hour.</p> <p>13 Q. And how much -- how many hours have you</p> <p>14 spent in this case, on this case?</p> <p>15 A. About, probably six.</p> <p>16 Q. So have you been paid \$600 by Mr. Meyer?</p> <p>17 A. Yes.</p> <p>18 Q. When were you paid \$600 by Mr. Meyer?</p> <p>19 A. When?</p> <p>20 Q. Yes.</p> <p>21 A. After -- after we met.</p> <p>22 Q. Did you receive any sort of fee from</p> <p>23 Mr. Meyer upfront?</p> <p>24 A. Yes, he gave me \$500 as a disclaimer, I</p> <p>25 think he called it.</p>

<p style="text-align: right;">Page 21</p> <p>1 Q. And do you receive any additional money 2 if Mr. Meyer were to succeed or receive a 3 settlement in this case? 4 A. If -- am I going to receive something? 5 Q. Additional money from Mr. Meyer. 6 A. No. 7 Q. Do you receive any sort of bonus if 8 Mr. Meyer wins this case? 9 A. No, I don't think so. 10 Q. Do you have a written contract with 11 Mr. Meyer? 12 A. I think you showed me this 13 last -- yesterday. I have some type of written up 14 but I don't know if it's called a contract. 15 Q. But you have a written agreement with 16 Mr. Meyer? 17 A. Something, yeah. 18 Q. And then you failed to produce that 19 either with your expert report or in response to 20 the subpoena, correct? 21 A. Correct. 22 Q. Let's talk about your background a 23 little bit. 24 Tell me where you grew up? 25 A. In Austria.</p>	<p style="text-align: right;">Page 23</p> <p>1 A. Kinesiology schools and ortho -- 2 craniosacral therapy schools, conferences for 3 mindset, which took some classes in anatomy in 4 Europe. 5 Q. What year did you graduate from the 6 University of Vienna? 7 A. 1986. 8 Q. Do you have any degrees after the 9 University of Vienna? 10 A. We don't have the degrees system or we 11 didn't have the degrees system as we have here. So 12 I have certificate for the tourism management. 13 Q. Okay. Do you have any additional 14 certificates after the certificate you received 15 from the University of Vienna? 16 A. Yes, for my education in being a 17 therapist and counselor. 18 Q. What type of therapist? 19 A. Craniosacral osteopathy, craniosacral 20 therapy, AORT -- A-O-R-T, automatic osteopathic 21 reposition techniques, kinesiology, touch for 22 health, physio kinesiology, kinesiology against 23 allergies in a child work. Anything else? I can 24 keep going. 25 Q. So it's your testimony under oath that</p>
<p style="text-align: right;">Page 22</p> <p>1 Q. Where in Austria? 2 A. In Vienna. 3 Q. And please describe for me your 4 educational background. 5 A. I have high school and then I went to 6 Vienna University. I studied P.E. and French and 7 then I changed subject to physical therapy, kind of 8 not physical therapy. It was called recreation 9 rehabilitation and then I got a degree in tourism. 10 Q. Do you have a college degree in tourism? 11 A. Yes. 12 Q. From where? 13 A. From the University of Vienna. 14 Q. Do you have any formal education after 15 the University of Vienna? 16 A. Yes, I am constantly learning and 17 educating myself. 18 Q. And I asked if you have any formal 19 education. 20 A. What do you mean by -- 21 Q. So in other words, did you attend any 22 other schools or universities after the University 23 of Vienna? 24 A. Yes. 25 Q. Where?</p>	<p style="text-align: right;">Page 24</p> <p>1 you have a degree for every single one of those 2 things you just listed or a -- 3 A. No, certificate. 4 Q. -- certificate for every one of those 5 things you just listed? 6 You need to let me finish. 7 A. Yeah, sorry. I'm sorry. 8 Q. It's your testimony that you have a 9 certificate for every one of those things that you 10 just listed? 11 A. Yes, I got it. 12 Q. And what are those? All those different 13 things. For example, you started out talking about 14 craniosacral therapy, can you just explain what 15 that is? 16 A. It's a method that helps people release 17 stress and gives, you know -- how should I -- I 18 don't know if I should tell you -- talk about 19 craniosacral therapy. It's a method to help people 20 to feel better. 21 Q. But what do you do? 22 A. I work with my hands. 23 Q. Do you like give them a scalp massage? 24 A. It's not a massage. 25 Q. Is it similar to a scalp massage?</p>

<p style="text-align: right;">Page 25</p> <p>1 A. I hold -- yes, it's similar to Reiki but 2 it's not Reiki at all. 3 Q. And those other certificates that you 4 talked about, are they all just manipulating 5 different parts of the body? 6 A. No, it's not about manipulating. 7 Q. What is it then? 8 A. It's about helping the body release what 9 is blocking the central nervous system. 10 Q. So all those certificates you said you 11 had are all about helping release the body or 12 helping the body release the central nervous 13 system; is that right? 14 A. The ones that apply for the craniosacral 15 part, yes. 16 Q. And how do you do that? Specifically, 17 how do you help someone with your craniosacral 18 therapy? 19 A. I use my hands. 20 Q. On what? 21 A. On the body. 22 Q. What part of the body? 23 A. Any part of the body, mainly the 24 craniosacral system is the main system is the skull 25 and the spinal cord down to the sacrum, but then</p>	<p style="text-align: right;">Page 27</p> <p>1 can finally release it, and so nothing that I do 2 will release stress in the body. It is just what 3 the patient's body is ready to let go. 4 Q. Do you -- when you're giving someone a 5 craniosacral treatment, do you rub their head with 6 your hands? 7 A. No. 8 Q. What do you do with your hands? Do you 9 touch their body? 10 A. Yes. 11 Q. So what do you do? 12 A. I just put my hands very, very slightly 13 on either the skull or on the occiput, on the back 14 of the skull, or I touch the chest or down at the 15 sacrum or the feet. 16 Q. And what do you do when you touch them? 17 A. I feel into the system and look for the 18 rhythm of the cranio -- of the cerebral spinal 19 fluid and watch the different body systems; 20 muscles, tendons, fluid, bones are doing 21 rhythm-wise. 22 Q. And to be clear, these are not medical 23 degrees you have, correct? 24 A. Correct. 25 Q. And you're not a chiropractor?</p>
<p style="text-align: right;">Page 26</p> <p>1 the -- I'm working with the rhythm of those 2 cerebral spinal fluid and it gets spread out 3 throughout the body so I can work even with the 4 little toe or with the knee or with the pelvis and 5 wherever my intention goes. 6 Q. I'm sorry, were you done? 7 A. Yes. 8 Q. What is the difference between what you 9 do and a scalp massage? 10 A. It's non-manipulative. 11 Q. What you do is non-manipulative? 12 A. Uh-huh. 13 Q. Is that a yes? 14 A. Yes. 15 Q. The other thing is you have to answer 16 out loud today. 17 A. Yes. 18 Q. What do you mean that what you do is 19 non-manipulative? 20 A. Because the system -- what we say the 21 craniosacral therapy is the most non-manipulative 22 method because it's not something that I do. I am 23 just following what's happening in the body and 24 that's how the body says ah, something, somebody is 25 holding my pain or my stress and all the cells I</p>	<p style="text-align: right;">Page 28</p> <p>1 A. Correct. 2 Q. Do you have any sort of license from the 3 state of Montana? 4 A. No. 5 Q. Where are all these certificates that 6 you listed, where are they from? 7 A. From the different teachers or 8 instructors. 9 Q. And are these just things that you 10 received online? 11 A. No. 12 Q. Where did you receive them from then? 13 A. From them, from the different 14 instructors. 15 Q. So you went and took different classes 16 for each one of those things that you listed? 17 A. Yes. 18 Q. Do you have actual certificates? 19 A. I have some, but with all the moving 20 that I did, I had to reduce a lot of stuff so I 21 don't have them all anymore. 22 Q. And are any of these practices that 23 you talked about, the craniosacral therapy and 24 the other things, are any of them licensed by 25 any -- any board that licenses health care provided</p>

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<p>1 to people in the United States?</p> <p>2 A. Um, I don't know.</p> <p>3 Q. So do you know if any board or</p> <p>4 government agency recognizes any of these things</p> <p>5 you do as being health care?</p> <p>6 A. I don't know.</p> <p>7 Q. Have you received any formal education</p> <p>8 in the United States?</p> <p>9 A. My EMT.</p> <p>10 Q. Anything else?</p> <p>11 A. No.</p> <p>12 Q. Do you still have an EMT?</p> <p>13 A. Yeah.</p> <p>14 Q. What did you do to obtain an EMT?</p> <p>15 A. I first became a first responder by</p> <p>16 doing -- taking classes with Steve Emerson and then</p> <p>17 I upgraded to the EMT by repeating the whole cycle</p> <p>18 again with Steve Emerson and Seth Barker.</p> <p>19 Q. Are you a United States citizen?</p> <p>20 A. No.</p> <p>21 Q. Do you have a green card?</p> <p>22 A. Yes.</p> <p>23 Q. When did you obtain a green card?</p> <p>24 A. I got the green card the first time I</p> <p>25 came to the United States in -- so that was in '86.</p>	<p>1 live?</p> <p>2 A. He lives with me.</p> <p>3 Q. So both of your children live with you?</p> <p>4 A. Well, at their address is with me. My</p> <p>5 son lives definitely with me. He lives in my</p> <p>6 house.</p> <p>7 Q. Okay. So I guess I don't understand.</p> <p>8 You said -- you said both of them have their</p> <p>9 addresses with you, does that mean they live with</p> <p>10 you or not?</p> <p>11 A. My son lives with me and my daughter is</p> <p>12 out in Arizona traveling and so she needed -- she</p> <p>13 needs an address and that's my home address.</p> <p>14 Q. And what are the ages of your children?</p> <p>15 A. 29 and 31. Nikolas is 31 and Marlene is</p> <p>16 29.</p> <p>17 Q. Have you ever been charged with a crime?</p> <p>18 A. No.</p> <p>19 Q. Have you ever been arrested?</p> <p>20 A. No.</p> <p>21 Q. Are you a member of any organizations?</p> <p>22 A. No.</p> <p>23 Q. Do you hold any state licenses?</p> <p>24 A. My driver's license and my EMT license.</p> <p>25 Q. I'd like to talk about your background</p>
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<p>1 But I received a green card in '88 after I got</p> <p>2 married for the first time and then I moved back to</p> <p>3 Austria and relinquished my card. And then when I</p> <p>4 moved back in 2004, I requested my green card back.</p> <p>5 Q. Who was your first marriage to?</p> <p>6 A. Jim Sitton.</p> <p>7 Q. Can you spell the last name, please?</p> <p>8 A. S-I-T-T-O-N.</p> <p>9 Q. And did you have any children with</p> <p>10 Mr. Sitton?</p> <p>11 A. Yes.</p> <p>12 Q. And what are the names of the children?</p> <p>13 A. Nikolas, N-I-K-O-L-A-S Sitton and</p> <p>14 Marlene, M-A-R-L-E-N-E Sitton.</p> <p>15 Q. And do Nikolas and Marlene Sitton live</p> <p>16 in Montana?</p> <p>17 A. They do.</p> <p>18 Q. Where do they live?</p> <p>19 A. Well, my daughter's residence is at my</p> <p>20 house but she, right now, is in Arizona.</p> <p>21 Q. Is she returning to Montana?</p> <p>22 A. Yes.</p> <p>23 Q. When?</p> <p>24 A. Probably in April.</p> <p>25 Q. And what about Nikolas, where does he</p>	<p>1 in the ski industry.</p> <p>2 Before you started working as a ski</p> <p>3 patroller for Big Sky, have you -- first of all,</p> <p>4 have you ever worked at any ski area in the United</p> <p>5 States other than Big Sky?</p> <p>6 A. No.</p> <p>7 Q. Have you ever worked at any ski area</p> <p>8 anywhere in the world other than working at Big</p> <p>9 Sky?</p> <p>10 A. Yes.</p> <p>11 Q. Where else?</p> <p>12 A. In Austria.</p> <p>13 Q. What did you do for a ski area in</p> <p>14 Austria?</p> <p>15 A. I was working as a ski instructor and in</p> <p>16 the summertime I was working in a ski area but they</p> <p>17 didn't ski there, as a waitress for a friend of</p> <p>18 mine.</p> <p>19 Q. Obviously your work as a waitress</p> <p>20 doesn't have anything to do with your opinions in</p> <p>21 this case, does it?</p> <p>22 A. No.</p> <p>23 Q. Where did you work as a ski instructor</p> <p>24 in Austria?</p> <p>25 A. My most years were in Konigsleiten. Do</p>

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<p>1 I need to spell it?</p> <p>2 Q. What years did you work as a ski</p> <p>3 instructor in Austria?</p> <p>4 A. So I graduated from high school in 1976</p> <p>5 and then I started to go to a university. And</p> <p>6 this would be college year I guess. And in one</p> <p>7 of my first winter vacations after I started</p> <p>8 going -- after I started with my sports study, I</p> <p>9 became a ski instructor. I worked as a ski</p> <p>10 instructor in Maria Alm for like two weeks in</p> <p>11 December over the Christmas breaks and then in</p> <p>12 February over the semester breaks and the Easter</p> <p>13 breaks. So we have longer -- we have like three</p> <p>14 weeks Easter and one month semester and two weeks</p> <p>15 over Christmas and that pretty much continued every</p> <p>16 winter till I decided -- after my tourism degree, I</p> <p>17 decided to do two full seasons in Austria. I was</p> <p>18 in Konigsleiten and that's when I met Toni</p> <p>19 Sendlhofer. I actually met him in the spring I</p> <p>20 think. Toni Sendlhofer, because he wanted to hire</p> <p>21 me to come to Michigan to teach skiing in Boeing</p> <p>22 Mountain and I never ended up there because I</p> <p>23 never got his contract and so I ended up in Big Sky</p> <p>24 and was teaching there in the season '86/'87,</p> <p>25 '88 -- '87/'88.</p>	<p>1 ski patroller at anyplace other than Big Sky,</p> <p>2 correct?</p> <p>3 A. Correct.</p> <p>4 Q. So you don't know how ski</p> <p>5 instructors -- excuse me, strike that.</p> <p>6 So you do not know how ski patrollers at</p> <p>7 resorts other than Big Sky determine when and where</p> <p>8 to mark hazards, correct?</p> <p>9 A. I do not know that.</p> <p>10 Q. So you're not familiar with the industry</p> <p>11 standards, correct?</p> <p>12 A. That is -- I don't know if I can say</p> <p>13 correct because isn't Big Sky industry standard?</p> <p>14 Q. You don't know one way or the other, do</p> <p>15 you?</p> <p>16 A. I don't know what to answer now. Sorry.</p> <p>17 Q. Well, does Big Sky mark hazards and</p> <p>18 place warnings like other ski resorts in the</p> <p>19 industry or do they do it differently?</p> <p>20 A. I would say they do it the same way as</p> <p>21 other ski areas in the industry.</p> <p>22 Q. And what is that based on? What is that</p> <p>23 answer based on?</p> <p>24 A. Based on people that come from exchange.</p> <p>25 Ski patrollers, we do exchanges. I went on one</p>
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<p>1 Q. How many years did you work total or how</p> <p>2 many ski seasons did you work total in Austria as a</p> <p>3 ski instructor?</p> <p>4 A. How many full seasons, two. But during</p> <p>5 vacation time of my college, eight.</p> <p>6 Q. And you agree, don't you, that ski</p> <p>7 patrollers, not ski instructors, place warnings and</p> <p>8 signs on the ski mountain, correct?</p> <p>9 A. That's ski patrollers.</p> <p>10 Q. That's what I said.</p> <p>11 A. Yes.</p> <p>12 Q. So when you were working as a ski</p> <p>13 instructor, part of your job was not to make</p> <p>14 warning or put warnings up on the mountain,</p> <p>15 correct?</p> <p>16 A. Correct.</p> <p>17 Q. That's not what ski instructors do,</p> <p>18 right?</p> <p>19 A. No.</p> <p>20 Q. That's going to look bad on the</p> <p>21 transcript later on.</p> <p>22 Do ski instructors place warnings and</p> <p>23 hazard signs on the mountain?</p> <p>24 A. No.</p> <p>25 Q. And you said you've never worked as a</p>	<p>1 exchange to Steamboat. We had talks during our</p> <p>2 refresher where, for example, Mary Bozak or you</p> <p>3 showed pictures of other ski areas and I saw fences</p> <p>4 and trail merger signs and pretty similar to what</p> <p>5 we do.</p> <p>6 Q. Well, to be clear, it's untrue that I've</p> <p>7 ever showed you pictures of any other ski resort,</p> <p>8 isn't it?</p> <p>9 A. It is untrue that -- you showed pictures</p> <p>10 of other ski areas, I believe.</p> <p>11 Q. That's your testimony under oath, that I</p> <p>12 showed you pictures of other ski areas?</p> <p>13 A. Well, probably not you, Mary did. Mary</p> <p>14 showed us pictures of other ski areas.</p> <p>15 Q. And again, move to strike the privileged</p> <p>16 information.</p> <p>17 Did Big Sky ever give you authority to</p> <p>18 disclose privileged information that you received</p> <p>19 as part of your job?</p> <p>20 A. Did Big Sky give me authority? Didn't</p> <p>21 or did give me authority, no.</p> <p>22 Q. They did not, did they?</p> <p>23 A. No.</p> <p>24 Q. And you know that the information</p> <p>25 provided to you as part of your job is privileged</p>

<p style="text-align: right;">Page 37</p> <p>1 under the attorney-client privilege, right? You</p> <p>2 were told that on a yearly basis?</p> <p>3 A. Yes.</p> <p>4 Q. And despite that, you're providing that</p> <p>5 privileged, private information to Mr. Meyer and</p> <p>6 his counsel, correct?</p> <p>7 A. Not during my employment.</p> <p>8 Q. So you think that after your employment</p> <p>9 it just ends and you can talk about anything you</p> <p>10 learned?</p> <p>11 A. I didn't talk about anything I learned.</p> <p>12 Q. You grew up skiing in Europe; is that</p> <p>13 correct?</p> <p>14 A. That's correct, I grew up in Europe.</p> <p>15 Q. In Austria, specifically you grew up</p> <p>16 skiing, correct?</p> <p>17 A. Yeah, that's where I started to learn</p> <p>18 skiing.</p> <p>19 Q. And in Austria there are very few</p> <p>20 hazards marked at ski areas; isn't that true?</p> <p>21 A. During my time as a kid and then as a</p> <p>22 ski instructor there was -- yeah, there was less</p> <p>23 marking in Austria than here.</p> <p>24 Q. In fact, there's no marking in Austria</p> <p>25 on off-piste, correct?</p>	<p style="text-align: right;">Page 39</p> <p>1 responsibility.</p> <p>2 Q. And do you think that skiers in Montana</p> <p>3 do not have to take personal responsibility?</p> <p>4 A. No. No, I don't think that.</p> <p>5 Q. So you agree skiers in Montana need to</p> <p>6 take responsibility for their actions?</p> <p>7 A. Yes.</p> <p>8 Q. And do you agree that skiers in Montana</p> <p>9 need to ski in control?</p> <p>10 A. They should.</p> <p>11 Q. Well, they have an obligation to do so,</p> <p>12 don't they?</p> <p>13 A. They do.</p> <p>14 Q. And what does it mean to ski in control</p> <p>15 to you?</p> <p>16 A. To not ski faster than your own ability,</p> <p>17 to be able to stop, and be able to avoid people or</p> <p>18 trees.</p> <p>19 Q. Obstacles, correct?</p> <p>20 A. Yeah.</p> <p>21 Q. So you have an obligation in Montana to</p> <p>22 ski within your abilities and so that you can stop</p> <p>23 to avoid obstacles or people, correct?</p> <p>24 A. Correct.</p> <p>25 Q. And Mr. Meyer failed to ski in control</p>
<p style="text-align: right;">Page 38</p> <p>1 A. There are avalanche danger signs</p> <p>2 off-piste when it's an avalanche hill.</p> <p>3 Q. And that's it, right?</p> <p>4 A. As far as I recollect, yeah.</p> <p>5 Q. What does off-piste mean?</p> <p>6 A. Um, it's a slope that is not groomed,</p> <p>7 um, that is never groomed, maybe not marked in</p> <p>8 Austria, marked with these green -- green and</p> <p>9 yellow or green and red balloons-types signs,</p> <p>10 bubbles.</p> <p>11 Q. The Highway ski run at Big Sky resort is</p> <p>12 off-piste, correct?</p> <p>13 A. I wouldn't call that off-piste.</p> <p>14 Q. You think that the Highway ski run at</p> <p>15 Big Sky is on piste?</p> <p>16 A. Well, if piste -- if we weren't -- if I</p> <p>17 use the word piste as a German word, then it is</p> <p>18 off-piste. Because a piste in German is more like</p> <p>19 a groomed run.</p> <p>20 Q. Highway is never groomed, is it?</p> <p>21 A. No.</p> <p>22 Q. Isn't it true that where you grew up</p> <p>23 skiers are expected to ski in control and take</p> <p>24 personal responsibility?</p> <p>25 A. I believe that everybody should take</p>	<p style="text-align: right;">Page 40</p> <p>1 in this case, didn't he?</p> <p>2 A. I don't know.</p> <p>3 Q. You've never looked into that?</p> <p>4 A. I didn't see him ski.</p> <p>5 Q. Well, have you done any investigation</p> <p>6 into how he was skiing that day?</p> <p>7 A. We -- we've done the investigation of</p> <p>8 the area where he came down and where he fell into</p> <p>9 the Bermuda Triangle.</p> <p>10 Q. Mr. Meyer hit an obstacle, correct?</p> <p>11 A. Where he landed he hit the trunk.</p> <p>12 Q. He hit an obstacle that caused him to</p> <p>13 wreck, correct?</p> <p>14 A. That could be the case, but it could be</p> <p>15 not the case.</p> <p>16 Q. Well, what does the evidence in this</p> <p>17 case establish?</p> <p>18 A. That he came down Highway and then he</p> <p>19 hit the -- I think that he hit the Loop Road and</p> <p>20 then he flew somehow because there's -- I don't</p> <p>21 know, the witness, what he said. I didn't see it.</p> <p>22 He landed in with his head on the tree trunk.</p> <p>23 Q. How fast did the witness, Tom McMakin,</p> <p>24 say Mr. Meyer was skiing down the Highway ski run?</p> <p>25 A. He was saying that he was bombing. Was</p>

<p style="text-align: right;">Page 41</p> <p>1 that the word, "bombing down"?</p> <p>2 Q. Okay. So you're aware that Mr. McMakin</p> <p>3 testified that John Meyer was bombing down the</p> <p>4 Highway run?</p> <p>5 A. Yeah. Breean told me that yesterday.</p> <p>6 Q. And is that significant to you?</p> <p>7 A. I don't understand the word "bombing."</p> <p>8 But according to what Ms. Breean told me, bombing</p> <p>9 in -- means that he skied in control. I don't</p> <p>10 know. Bombing doesn't really bring the word in my</p> <p>11 vocabulary. I've never used the word "bombing."</p> <p>12 Q. So when a witness testifies that a skier</p> <p>13 is bombing a run and skiing very fast, you don't</p> <p>14 know what that means?</p> <p>15 A. No, I don't really know what it means.</p> <p>16 Q. You don't know what the term "very fast"</p> <p>17 means?</p> <p>18 A. Very fast I know.</p> <p>19 Q. And the witness, Tom McMakin, testified</p> <p>20 that Mr. Meyer was skiing very fast and bombing the</p> <p>21 run, didn't he?</p> <p>22 A. Did he say "very fast"?</p> <p>23 Q. You don't know one way or the other?</p> <p>24 A. He was bombing down the run.</p> <p>25 Q. And Ms. Walas told you that?</p>	<p style="text-align: right;">Page 43</p> <p>1 but that she also didn't see the accident because</p> <p>2 she was looking for her ski.</p> <p>3 Q. Did you review her deposition testimony?</p> <p>4 A. We talked.</p> <p>5 Q. You talked to Ms. Eggert?</p> <p>6 A. Uh-huh.</p> <p>7 Q. Is that a yes?</p> <p>8 A. Yes.</p> <p>9 Q. And did you rely on what Ms. Eggert told</p> <p>10 you to form your opinions in this case?</p> <p>11 A. That was after we wrote the affidavit.</p> <p>12 Q. Okay. So you didn't rely on anything</p> <p>13 that Ms. Eggert told you to form your opinions in</p> <p>14 this case?</p> <p>15 A. No.</p> <p>16 Q. Do you agree that Mr. Meyer's speed as</p> <p>17 he was skiing down the Highway run is relevant to</p> <p>18 the cause of his accident?</p> <p>19 A. Yes.</p> <p>20 Q. Do you agree that Mr. Meyer has an</p> <p>21 obligation to ski in control of his speed?</p> <p>22 A. Yes.</p> <p>23 Q. Do you agree that variations and</p> <p>24 steepness in terrain are an inherent danger and</p> <p>25 risk of skiing?</p>
<p style="text-align: right;">Page 42</p> <p>1 A. Yeah.</p> <p>2 Q. And it's your testimony that you don't</p> <p>3 know what that means?</p> <p>4 A. I said that the word "bombing" was never</p> <p>5 in my vocabulary and I had to ask her what that</p> <p>6 actually means and skiing in control was the</p> <p>7 answer.</p> <p>8 Q. So did Ms. Walas tell you that</p> <p>9 Mr. McMakin testified that John Meyer was skiing</p> <p>10 very fast?</p> <p>11 A. I don't remember exact wording, how we</p> <p>12 talked together.</p> <p>13 Q. Has anyone told you that Mr. Meyer was</p> <p>14 skiing very fast down the Highway run?</p> <p>15 A. Actually, Mr. Meyer himself was saying</p> <p>16 that he said in his deposition that he was skiing</p> <p>17 fast.</p> <p>18 Q. That wasn't my question. My question</p> <p>19 was, has anyone told you that Mr. Meyer was skiing</p> <p>20 very fast?</p> <p>21 A. Um, I am not sure about the word "very."</p> <p>22 Q. Were you told that Amanda Eggert</p> <p>23 testified that Mr. Meyer was skiing fast down the</p> <p>24 Highway run?</p> <p>25 A. She was saying that he was skiing fast</p>	<p style="text-align: right;">Page 44</p> <p>1 A. Are an inherent danger, yes.</p> <p>2 Q. Do you agree that catwalks are an</p> <p>3 inherent danger and risk of skiing?</p> <p>4 A. Yes.</p> <p>5 Q. Do you agree that roads are an inherent</p> <p>6 danger and risk of skiing?</p> <p>7 A. Yes.</p> <p>8 Q. Do you agree that the failure of a skier</p> <p>9 to ski within the skier's ability is an inherent</p> <p>10 danger and risk of skiing?</p> <p>11 A. Yes.</p> <p>12 Q. Do you agree that a skier has a duty to</p> <p>13 ski at all times in a manner that avoids injury to</p> <p>14 the skier and others?</p> <p>15 A. Yes.</p> <p>16 Q. Do you agree that a skier has a duty to</p> <p>17 be aware of the inherent dangers and risks of</p> <p>18 skiing?</p> <p>19 A. Yes.</p> <p>20 Q. Do you agree that a skier has an</p> <p>21 obligation to ski safely within the limits of his</p> <p>22 ability and his equipment so as to negotiate any</p> <p>23 section of terrain or ski slope and trail safely</p> <p>24 and without injury?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">Page 45</p> <p>1 Q. Do you agree a skier has an obligation 2 to maintain control of speed and course so as to 3 prevent injury to the skier or others? 4 A. Yes. 5 Q. Do you agree that Mr. Meyer failed to 6 ski within control of his course and speed so as to 7 prevent injury to himself? 8 A. Yes. 9 Q. Do you agree that Mr. Meyer's ski wreck 10 was caused by a variation of steepness or terrain? 11 A. Yes. 12 Q. Do you agree that Mr. Meyer's speed 13 contributed to the severity of his injury? 14 A. No. 15 Q. You do not think that Mr. Meyer's speed 16 contributed to the severity of his injury? 17 A. That is now really difficult to say 18 because if we -- I don't know, physically probably 19 the faster you hit or hit a tree trunk, the faster 20 you must have gone before that. So I would say the 21 answer is the opposite that I said before. 22 Q. Okay. So you do agree that Mr. Meyer's 23 speed contributed -- 24 A. Yeah. 25 Q. -- to the severity of his injury?</p>	<p style="text-align: right;">Page 47</p> <p>1 Road is obvious? 2 A. According to the photos, yes. 3 Q. Well, if the Loop Road is obvious in the 4 photos, how is it that you contend Mr. Meyer did 5 not see the Loop Road as he was skiing down the 6 Highway ski run? 7 A. Because that's how a lot of accidents 8 happen, that you don't see that there is a change 9 in terrain and then all of the sudden you flip. It 10 happened to me too. 11 Q. I want to show you what has been 12 previously marked as Exhibit 25. Please review 13 that document and let me know when you are done 14 reviewing it. 15 A. Yeah, I know this picture. 16 Q. You're familiar with Exhibit 25? 17 A. Yes. 18 Q. And that's the same as -- the same 19 picture as what you attached to your affidavit as 20 Exhibit A, correct? 21 A. Yes. 22 Q. And you agree that this is a photograph 23 of the Highway run looking down toward the Loop 24 Road, correct? 25 A. Correct.</p>
<p style="text-align: right;">Page 46</p> <p>1 A. Yes. 2 Q. Do you agree that Big Sky cannot control 3 how fast Mr. Meyer chooses to ski? 4 A. No, Big Sky can't control it. 5 Q. So how do you believe that Mr. Meyer's 6 ski wreck occurred? And give this -- I want you to 7 give this to me in as much detail as you can. 8 A. How do I believe? 9 Q. Yes. 10 A. I believe he came down Highway skiing in 11 control, but fast, and he did not see the Loop Road 12 and went over the Loop Road and then -- the outer 13 edge of the Loop Road and probably flipped. 14 Because the way how he was ended -- how he ended up 15 on that piece of log, he must have flipped somehow 16 because he landed on his back with his head uphill 17 as far as I recall. 18 Q. So you believe that Mr. Meyer didn't see 19 the Loop Road as he was skiing down Highway? 20 A. I believe so. 21 Q. The Loop Road was obvious to anyone 22 skiing down Highway, wasn't it? 23 A. According to the photos, yes. 24 Q. Okay. So you agree that the photos of 25 the Highway run looking down the run at the Loop</p>	<p style="text-align: right;">Page 48</p> <p>1 Q. How far up on the Highway ski run was 2 this photograph taken or, in other words, how far 3 is it from the Loop Road to where this photograph 4 was taken? 5 A. I can't measure that. It's hard to 6 measure but it's several, probably, hundred meters, 7 150 meters for sure. 8 Q. Certainly from where this photograph is 9 taken, there's plenty of time for a skier to stop 10 before coming to the Loop Road, correct? 11 A. Correct. 12 Q. And the Loop Road is obvious in this 13 photograph, correct? 14 A. Correct. 15 Q. So how do you contend that a skier 16 skiing down Highway would not be able to see this 17 road? 18 A. If he looked he probably saw the road. 19 Skiing, you don't look that far ahead. 20 Q. Okay. So you agree that if Mr. Meyer 21 would have looked downhill, the road would have 22 been obvious? 23 A. Yes. 24 Q. But you contend -- I just want to 25 understand what your opinion is. You believe that</p>

<p style="text-align: right;">Page 49</p> <p>1 he didn't see the road because he was not looking 2 downhill? 3 A. Well, he obviously was looking downhill 4 because every skier skiing downhill looks downhill. 5 That doesn't mean looking is not seeing. 6 Q. What does that mean? I don't 7 understand. 8 A. That if you look at something, I look at 9 Mr. Mark but I don't really see the picture behind 10 him. Looking is not seeing, in my opinion. 11 Q. So I'm struggling to understand your 12 answer there. Do you believe that as Mr. Meyer was 13 skiing down the Highway run he saw the Loop Road? 14 A. He looked down in the direction he was 15 skiing obviously because that's how skiers -- they 16 don't go ski like this (indicating). 17 Q. Right. As you're skiing you look ahead 18 of you, correct? 19 A. Right, correct. 20 Q. And as you're skiing the Highway run 21 you're skiing downhill, correct? 22 A. Correct. 23 Q. And if you're looking downhill as you 24 ski the Highway run, you can see the Loop Road, 25 correct?</p>	<p style="text-align: right;">Page 51</p> <p>1 Q. Do you agree that if a skier sees a cat 2 track in front of him or her, the skier has an 3 obligation to slow down before the cat track? 4 A. Yes. 5 Q. Do you agree that if a skier hits 6 something that the skier fails to see in front of 7 him, it is the skier's responsibility? 8 A. Yes. 9 Q. So, for example, if I'm skiing down the 10 run and there's a tree right in front of me but I'm 11 looking over to the side instead of looking at the 12 tree and then I hit the tree, that's my fault, 13 right? 14 A. Yes. 15 Q. So a skier has an obligation not to run 16 into plainly obvious obstacles, correct? 17 A. Correct. 18 Q. Did Mr. Meyer tell you that he could not 19 remember this incident for several months after it 20 occurred? 21 A. I think he was in the coma for a few 22 weeks. I don't know, maybe months or weeks, I have 23 no idea. So of course he doesn't remember that 24 time. 25 Q. And then did he tell you that even after</p>
<p style="text-align: right;">Page 50</p> <p>1 A. You could. 2 Q. So it's -- there's nothing preventing 3 you from looking and seeing it, correct? 4 A. No, it depends on your mind I think if 5 you see. 6 Q. Okay. So doesn't Mr. Meyer as a skier 7 have an obligation to look and see what is in front 8 of him? 9 A. Yes. 10 Q. And if Mr. Meyer was fulfilling that 11 obligation on December 11th, he would have seen the 12 Loop Road, correct? 13 A. He could have seen the Loop Road. 14 Q. If he chose to look, right? 15 A. If he chose to directly look or see the 16 Loop Road, correct. 17 Q. Okay. So is it your testimony though 18 that even though the Loop Road was obvious to 19 anyone skiing down the Highway run, is it your 20 testimony that Mr. Meyer didn't see it? 21 A. Yes. 22 Q. And why do you say that? 23 A. Because I think if he would have seen 24 the Loop Road, we might have not had an accident 25 there.</p>	<p style="text-align: right;">Page 52</p> <p>1 he came out of the coma, he couldn't remember this 2 incident for some period of time? 3 A. I don't recall that, that he -- that he 4 did -- that he told me that he doesn't remember, I 5 don't. 6 Q. So you don't know whether there was a 7 gap in Mr. Meyer's memory or not? 8 A. I don't recall any of the conversation 9 about memory or if he remembers or not. 10 Q. Do you believe Mr. Meyer wrecked on 11 the -- on December 11, 2015 because of the 12 transition from the Highway onto the Loop Road or 13 because of the transition from the Loop Road into 14 the Bermuda Triangle area or something else? 15 A. So when we discussed this photo -- 16 Q. And you're referring to Exhibit 25? 17 A. Yes. 18 Q. Okay. 19 A. -- it looked like there was this drop 20 down between the Highway and the Loop Road 21 according to these people standing there, and you 22 can't see their legs. 23 Yesterday I looked at a different photo 24 and there was actually no transition, as I assume 25 when I wrote the affidavit. And so possibly, it</p>

<p style="text-align: right;">Page 53</p> <p>1 was that the outer edge that -- that caused this 2 accident -- 3 Q. The downhill? 4 A. -- but I don't know. 5 Q. Sorry, excuse me. I'm sorry for 6 interrupting. 7 So just to clarify, you said in your 8 affidavit that there was an abrupt and significant 9 transition from Highway onto the Loop Road, 10 correct? 11 A. Correct. 12 Q. And you now -- now that you've reviewed 13 other photographs, you admit that that portion of 14 your affidavit is incorrect; is that right? 15 A. That is true, yes. 16 Q. Okay. So you agree that there was not a 17 steep transition from Highway onto the Loop Road, 18 right? 19 A. If we can certain -- if we can be 20 certain where he came down on that photo that I saw 21 yesterday, and he came down -- and if he came down 22 that way, then there was no road cut. 23 Q. And what do you -- when you say there's 24 no road cut, you mean there's not a drop-off, 25 there's not a steep transition, correct?</p>	<p style="text-align: right;">Page 55</p> <p>1 A. He said he was trying to jump off? I 2 don't know. 3 Q. You don't know one way or the other? 4 A. No. 5 Q. Whose witness testimony -- whose 6 testimony do you believe is more reliable, the 7 witness, Mr. McMakin, or Mr. Meyer? 8 A. What's the question? Who's -- who is 9 more reliable? 10 Q. Correct. Who has a more reliable 11 account of what happened here, Mr. Meyer who 12 couldn't remember the incident for months or 13 Mr. McMakin who witnessed the incident and has no 14 financial incentive in this case from ten feet 15 away? 16 A. I don't know how much McMakin was paying 17 attention to skiers coming down since they were not 18 related I think. They were not there together. So 19 I don't know how exact his witness statement could 20 be. 21 Q. Well, are you aware he testified that he 22 was watching Mr. Meyer ski down the run and ski 23 onto the Loop Road? 24 A. I don't recall that he was -- how long 25 he was watching Mr. Meyer come down. I thought he</p>
<p style="text-align: right;">Page 54</p> <p>1 A. Correct. 2 Q. Okay. Do you believe Mr. Meyer was 3 trying to jump off the downhill edge of the cat 4 track? 5 A. Knowing Mr. Meyer now, I don't think he 6 is a jumper. 7 Q. So is that no? 8 A. No. 9 Q. Did you know Mr. Meyer as of December 10 11, 2015? 11 A. No. 12 Q. So you didn't know what he was like on 13 that day, right? 14 A. No, I didn't. 15 Q. And he was skiing with his girlfriend at 16 the time, correct? 17 A. Correct. 18 Q. Do you believe he was trying to ski fast 19 to show off to her? 20 A. I don't know if he wants to show off to 21 his girlfriend. 22 Q. Are you aware that the witness, 23 Mr. McMakin, testified that Mr. Meyer -- it 24 appeared that Mr. Meyer was trying to jump off the 25 downhill edge of the cat track?</p>	<p style="text-align: right;">Page 56</p> <p>1 was just seeing the accident. He was the first one 2 there. 3 Q. Do you agree that if Mr. Meyer was 4 trying to jump off the downhill edge of the Loop 5 Road, that he is responsible for his injuries? 6 A. If he intended to jump down the edge of 7 the Loop Road to the Bermuda Triangle, yes. 8 Q. So just so we're clear, so if he was 9 trying to jump off the downhill edge of the Loop 10 Road, you agree that he's responsible for his 11 injuries? 12 A. Yes. 13 Q. Okay. And can you think of -- other 14 than Mr. Meyer wanting to jump off the downhill 15 edge of the Loop Road, can you think of any reason 16 why he would not slow down as he approached the 17 Loop Road? 18 A. The reason that he didn't see the Loop 19 Road. 20 Q. Well, is it your testimony that he 21 didn't see it? 22 A. You asked me of any other reason -- 23 Q. Okay. 24 A. -- why he would and I said the other 25 reason could be that he did not see the Loop Road.</p>

<p style="text-align: right;">Page 57</p> <p>1 Q. Understand. I understand your 2 testimony. Thank you. Thank you for clarifying. 3 A. Uh-huh. 4 Q. Okay. So the only reasons that 5 Mr. Meyer would not -- at least in your opinion, 6 would not have slowed down as he approached the 7 Loop Road on December 11, 2015, were that either he 8 wanted to jump off the downhill edge or two, he 9 didn't see the Loop Road; is that right? 10 A. Yes. 11 Q. Okay. And you agree if he had been 12 looking ahead, he certainly could have seen the 13 Loop Road, right? 14 A. Yes. 15 Q. Let's talk about your training as a ski 16 patroller at Big Sky. First of all -- 17 MS. WALAS: Ian, can with take a break before 18 we switch to this next subject? 19 MR. McINTOSH: Of course. 20 MS. WALAS: Thank you. 21 MR. McINTOSH: Yeah, no problem. We can go 22 off the record. 23 VIDEO TECHNICIAN: This ends Disc Number 1. 24 We're off the record. The time is 10:06. 25 ///</p>	<p style="text-align: right;">Page 59</p> <p>1 A. In Austria. 2 Q. Okay. So at some point in Austria you 3 were skiing down a run, didn't see a cat track, and 4 wrecked; is that right? 5 A. Yeah. 6 Q. Can you describe what happened in any 7 more detail? 8 A. What happened to me? 9 Q. Yes. 10 A. I was bruised a little bit -- or not 11 bruised, sore, sore. It's a long time ago. 12 Q. Okay. 13 A. I have no -- no injury from that or. 14 Q. And did you accept responsibility for 15 that wreck? 16 A. Yes. 17 Q. You agree that was your fault? 18 A. Yes. 19 Q. Because you could have seen the cat 20 track but you didn't? 21 A. I didn't see the cat track. In Austria 22 you don't go out and blame ski areas or. 23 Q. You take responsibility for your 24 actions, right? 25 A. Uh-huh.</p>
<p style="text-align: right;">Page 58</p> <p>1 (Whereupon, a brief 2 recess was taken.) 3 VIDEO TECHNICIAN: This is the start of Disc 4 Number 2. We're back on the record. The time is 5 10:11. 6 BY MR. McINTOSH: 7 Q. Ms. Dixon, we're back on the record. 8 You understand you're still understand oath, 9 correct? 10 A. Correct. 11 Q. Okay. You know, at one point when we 12 were talking earlier today you said that -- you 13 said something about yes, it happened to me too, do 14 you remember saying that? 15 A. Yes. 16 Q. What were you referring to? 17 A. That I think that I didn't see the 18 catwalk and flew over it. 19 Q. This particular -- 20 A. No. 21 Q. -- cat? 22 A. No. 23 Q. Okay. So was this at Big Sky? 24 A. No. 25 Q. Where was it?</p>	<p style="text-align: right;">Page 60</p> <p>1 Q. Is that a yes? 2 A. Yes. 3 Q. Let's talk about your training as a ski 4 patroller. First of all, you talked earlier about 5 you were married to -- I'm sorry, I forget his 6 name -- Mr. Sitton? 7 A. Oh, yeah. Jim Sitton. 8 Q. Jim Sitton. How long were you married 9 to Mr. Sitton? 10 A. From '88 to '92 -- '94. 11 Q. And have you been married a second time? 12 A. Yes. 13 Q. To who? 14 A. To Bob Dixon. 15 Q. And when were you and Bob Dixon married? 16 A. In September 2005. 17 Q. When did you start your relationship 18 with Bob Dixon? 19 A. In February. 20 Q. Of what year? 21 A. 2005. 22 Q. Were you already working as a ski 23 patroller at Big Sky? 24 A. No. 25 Q. Okay. How did you and Mr. Dixon meet?</p>

Page 61	Page 63
<p>1 A. Skiing.</p> <p>2 Q. At Big Sky?</p> <p>3 A. Yes. So I knew Mr. Dixon from seeing</p> <p>4 ski patrollers and the members when I was working</p> <p>5 as a ski instructor in Big Sky.</p> <p>6 Q. Back in the '80s?</p> <p>7 A. Back in the '80s, early '90s.</p> <p>8 Q. Okay.</p> <p>9 A. And then when I came from Austria in</p> <p>10 2004, I did not have my green card yet. So that</p> <p>11 winter of 2004/2005 I was skiing a lot and do you</p> <p>12 want to know our romance story?</p> <p>13 Q. I want to know how the two of you met.</p> <p>14 So if you consider that to be a romance story, I</p> <p>15 guess so.</p> <p>16 A. Yeah. And one of the former ski</p> <p>17 patrollers said I should talk to Bob about tickets</p> <p>18 and I didn't because I didn't want to beg for</p> <p>19 tickets because I didn't know him that well. But</p> <p>20 he gave me tickets, somebody, somehow. I don't</p> <p>21 know, maybe it was his idea. He gave me tickets</p> <p>22 and so I wanted to thank him for that and we skied</p> <p>23 a few runs together here and there.</p> <p>24 Q. And then you started dating?</p> <p>25 A. And then eventually we started dating.</p>	<p>1 A. Yeah, he's moved out 2015, lives in</p> <p>2 Bozeman. I live in Manhattan.</p> <p>3 Q. When in 2015 did Mr. Dixon move out?</p> <p>4 A. In June.</p> <p>5 Q. And did your separation have anything to</p> <p>6 do with your work at Big Sky?</p> <p>7 A. Did my separation have anything to do</p> <p>8 with my work in Big Sky?</p> <p>9 Q. Yeah.</p> <p>10 A. No.</p> <p>11 Q. Okay. Your separation and your divorce</p> <p>12 from Dixon have nothing to do with your work at Big</p> <p>13 Sky; is that right?</p> <p>14 A. I don't understand the question. I mean</p> <p>15 this is my work and this is my relationship and</p> <p>16 then there's the boss. And, of course, it</p> <p>17 somehow -- it was a situation that not lots of</p> <p>18 people have to have a husband and a boss.</p> <p>19 Q. Right. But what I'm understanding</p> <p>20 you -- what I'm trying to ask you is if, for</p> <p>21 example, we're going to get to trial in this case</p> <p>22 and you're going to say that you got divorced from</p> <p>23 Bob Dixon because of -- because he didn't give you</p> <p>24 enough assignments at work or anything relating to</p> <p>25 your work at Big Sky?</p>
Page 62	Page 64
<p>1 Q. And when did you first get hired as a</p> <p>2 ski patroller at Big Sky?</p> <p>3 A. 2006.</p> <p>4 Q. Was it -- would it be the -- wait, what</p> <p>5 time in 2006?</p> <p>6 A. No, we got married in 2005. I'm not</p> <p>7 sure, but I always thought that my first ski patrol</p> <p>8 year was 2006.</p> <p>9 Q. But like the 2005/2006 season or</p> <p>10 2006/2007 season?</p> <p>11 A. So I got my green card in the summer of</p> <p>12 2005 before I married Bob. So Bob was not my green</p> <p>13 card maker. And then I worked that winter in the</p> <p>14 ski school behind the ski school desk. So that was</p> <p>15 2005/2006. And then the next winter, in 2006 to</p> <p>16 2007 I started as a ski patroller.</p> <p>17 Q. Okay. Did Bob get you that job then as</p> <p>18 a ski patroller?</p> <p>19 A. Yeah, he's my boss.</p> <p>20 Q. And are you and Bob Dixon still married?</p> <p>21 A. No.</p> <p>22 Q. When were you divorced?</p> <p>23 A. October of 2019, 15th of October.</p> <p>24 Q. And were you separated before you were</p> <p>25 divorced?</p>	<p>1 A. No, no.</p> <p>2 Q. Okay. So you and Mr. Dixon separated</p> <p>3 and got divorced for reasons other than your work</p> <p>4 at Big Sky; is that right?</p> <p>5 A. Yes, yes.</p> <p>6 Q. Okay. That's what I'm trying to ask.</p> <p>7 What training have you received about</p> <p>8 whether and when to mark hazards?</p> <p>9 A. By looking and experiencing when and</p> <p>10 where hazards are marked, objects are marked and</p> <p>11 high vizes and rope lines. It wasn't a theoretical</p> <p>12 training. It's a practical, doing what was always</p> <p>13 being done and following advices of supervisors and</p> <p>14 directors.</p> <p>15 Q. And so actually -- and before we get</p> <p>16 into this, I need to back up.</p> <p>17 So you now agree that the transition</p> <p>18 from Highway onto the Loop Road was not a steep and</p> <p>19 significant transition as you previously said,</p> <p>20 correct?</p> <p>21 A. I said that was not a drop-off, no road</p> <p>22 cut. Uh-huh.</p> <p>23 Q. Okay. So do you still contend it was a</p> <p>24 significant and abrupt transition?</p> <p>25 A. From black diamond to flat is pretty</p>

<p style="text-align: right;">Page 65</p> <p>1 significant.</p> <p>2 Q. Okay. But that wasn't my question.</p> <p>3 Do you still contend the transition from</p> <p>4 Highway onto the Loop Road was abrupt and</p> <p>5 significant?</p> <p>6 A. What's contend mean in this case?</p> <p>7 Sorry.</p> <p>8 Q. Is it your opinion?</p> <p>9 A. Is it my opinion that it was abrupt?</p> <p>10 Q. And significant?</p> <p>11 A. It was significant from steep to flat.</p> <p>12 Abrupt, no. Because if abrupt is this road cut</p> <p>13 then, no. But from steep to flat is pretty</p> <p>14 significant.</p> <p>15 Q. So do you still contend that -- is it</p> <p>16 still your opinion that the cat track below or the</p> <p>17 Loop Road below Highway should have been marked on</p> <p>18 December 11, 2015?</p> <p>19 A. I believe if it was somehow marked</p> <p>20 Mr. Meyer might have seen or paid attention more.</p> <p>21 Q. Might, might have, correct? That's what</p> <p>22 you're saying?</p> <p>23 A. Yeah, because we can't see the future</p> <p>24 what would happen.</p> <p>25 Q. Right.</p>	<p style="text-align: right;">Page 67</p> <p>1 A. It should have been marked because we</p> <p>2 mark so many other things that -- like road</p> <p>3 intersections, trail mergers. I mean how many</p> <p>4 pictures do I deliver -- did I deliver every winter</p> <p>5 to you of all the markings and all the signs? And</p> <p>6 in my opinion, ski patrollers are -- we are trying</p> <p>7 to avoid accidents by marking.</p> <p>8 Q. Okay. But that wasn't exactly my</p> <p>9 question. My question was, is it your opinion that</p> <p>10 pursuant to ski industry standards, the Loop Road</p> <p>11 below Highway should have been marked on December</p> <p>12 11, 2015?</p> <p>13 A. Should have and could have.</p> <p>14 Q. And why do you say that in your opinion</p> <p>15 ski industry standard would have been to mark this</p> <p>16 road?</p> <p>17 A. Why do I say this? Because ski</p> <p>18 patrollers are trying to avoid accidents and that's</p> <p>19 why we are marking so many things. It's a general</p> <p>20 answer, but that's our duty as ski patrollers as we</p> <p>21 are out there on the hill.</p> <p>22 Q. Well, you said specifically that you</p> <p>23 were familiar with this -- in your affidavit you</p> <p>24 said you're familiar with this area, correct?</p> <p>25 A. Yes, skied there many times.</p>
<p style="text-align: right;">Page 66</p> <p>1 A. Right.</p> <p>2 Q. But that's just your speculation, right?</p> <p>3 Correct?</p> <p>4 A. Speculation, opinion.</p> <p>5 Q. Okay. So it's your position that if</p> <p>6 the road might have been marked or if -- excuse me,</p> <p>7 strike that.</p> <p>8 It's your opinion that if the road was</p> <p>9 marked, Mr. Meyer might have seen the marking and</p> <p>10 might have slowed down; is that correct?</p> <p>11 A. That -- we can say that's correct.</p> <p>12 Q. Okay. My question though is a little</p> <p>13 bit different. My question is, is it your opinion,</p> <p>14 do you believe that pursuant to ski industry</p> <p>15 standards, the Loop Road should have been marked on</p> <p>16 December 11, 2015?</p> <p>17 A. We could have put a slow sign above it</p> <p>18 in this area. This area has never been marked but</p> <p>19 maybe a slow sign or a caution sign or a trails</p> <p>20 merge sign might have avoided the accident.</p> <p>21 Q. I understand that. But my question is,</p> <p>22 is it your opinion that pursuant to industry</p> <p>23 standards, the road should have been marked or are</p> <p>24 you just saying you don't know one way or the</p> <p>25 other?</p>	<p style="text-align: right;">Page 68</p> <p>1 Q. And you never marked this area prior to</p> <p>2 December 11, 2015, did you?</p> <p>3 A. No.</p> <p>4 Q. You never put up a slow sign?</p> <p>5 A. I mainly wasn't working there. I was</p> <p>6 mainly working on the other side or in the Bowl.</p> <p>7 Q. But you have testified that you were</p> <p>8 familiar with this area, right?</p> <p>9 A. As a skier, yes.</p> <p>10 Q. And you were married to the director of</p> <p>11 ski patrol, right?</p> <p>12 A. For awhile, yeah.</p> <p>13 Q. So you certainly could have either</p> <p>14 yourself put up a slow sign or some sort of other</p> <p>15 marking above this Loop Road, right?</p> <p>16 A. Correct, if I had one.</p> <p>17 Q. Or you could have asked your husband,</p> <p>18 the director of ski patrol, to put up a slow sign</p> <p>19 before December 11, 2015, correct?</p> <p>20 A. I could have.</p> <p>21 Q. But you didn't think it was necessary,</p> <p>22 right?</p> <p>23 A. Um, I don't think many things are</p> <p>24 necessary to mark, mark little rocks with flags all</p> <p>25 over Ambush.</p>

<p style="text-align: right;">Page 69</p> <p>1 Q. Before December 11, 2015, even though 2 you were familiar with this area, you never thought 3 it needed to be marked; isn't that true? 4 A. I can only say that's true, but I don't 5 recall not thinking or thinking differently. 6 Q. Isn't it true that you've been taught 7 that plainly visible obstacles do not need to be 8 marked? 9 A. Like trees or lift towers? Those are 10 plainly visible or snow guns, but we still mark 11 them. 12 Q. You think trees are marked? 13 A. No. Trees, no. Trees are not marked. 14 Q. And trees are not marked because they're 15 plainly visible, right? 16 A. Right. But manmade objects we are 17 marking. 18 Q. Well, that's not true, is it? 19 A. It is. 20 Q. Well, the road here was not marked, is 21 that -- are you contending that's a manmade object 22 or are you separating that? 23 A. Well, we can say the cat track is a 24 manmade object. 25 Q. And that was not marked, right?</p>	<p style="text-align: right;">Page 71</p> <p>1 see the uphill side of the tree but not the 2 downhill -- 3 A. Correct. 4 Q. -- side, right? 5 A. Correct. 6 Q. And, let's say, I see a tree and take a 7 really sharp turn and then I run into the backside 8 of the tree as I'm skiing. You're laughing because 9 you agree that would be my fault, right? 10 A. Yeah, you would have to ski uphill. 11 Q. And you can do that, right? 12 A. Right. 13 Q. But that would be an instance of someone 14 running into something that they couldn't see as 15 they're coming down the hill but it's still their 16 fault, right? 17 A. That's the case, yes. 18 Q. Same thing with the building. Like, for 19 example, if you're skiing down the Silver Knife 20 run, you can see one side of the Summit Hotel, 21 right? 22 A. Yeah. 23 Q. And if you go around that building 24 really fast and then run into the side of the 25 building, that's your fault as a skier, right?</p>
<p style="text-align: right;">Page 70</p> <p>1 A. It was not marked. 2 Q. And that was -- you were never taught 3 that every man -- you've never been taught that 4 every manmade object at Big Sky needs to be marked, 5 were you? 6 A. I was never told. I was thinking more 7 about the boxes and snow guns. 8 Q. Okay. So objects? 9 A. Yeah. 10 Q. Okay. Let's take a tree, for example, 11 you agree that trees do not need to be marked, 12 right? 13 A. I agree. 14 Q. And why is that? 15 A. Because trees were there before us. 16 Q. And a skier can see the tree, right? 17 A. Yeah, yeah. 18 Q. So if you're skiing down a run and 19 you're paying attention, you should be able to see 20 a tree in front of you, right? 21 A. That's correct. 22 Q. Even though you can't see 100 percent of 23 the tree as you're skiing down the run, right? 24 A. Correct. 25 Q. Like if I'm skiing down the run, I can</p>	<p style="text-align: right;">Page 72</p> <p>1 A. Yes. 2 Q. And that building doesn't need to be 3 marked, does it? 4 A. No. 5 Q. Okay. Because it's obvious, right? 6 A. Yeah. 7 Q. So you agree that things that are 8 obvious as you're looking down the hill do not need 9 to be marked? 10 A. If you see it, it's obvious for each 11 person. 12 Q. And if you can see it looking down the 13 hill, it doesn't need to be marked, right? 14 A. We mark other road cuts that people can 15 see from the top and we have bamboos there. 16 Q. So is it your -- it's not true that Big 17 Sky marks every road cut, is it? 18 A. I think we try to mark every road cut. 19 Q. Well -- and first of all, I realize when 20 I asked that question it was a bad question. What 21 is a road cut? 22 A. Where the -- a flat or road for skiers, 23 vehicles, Snowcats cross a hill and feels a 24 difference between the hill and the flat road. 25 Q. That's a cat track, right?</p>

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<p>1 A. The cat track is the road.</p> <p>2 Q. Right. So do you understand the</p> <p>3 difference between a cat track and a road cut?</p> <p>4 A. Yes.</p> <p>5 Q. What is the difference between a cat</p> <p>6 track and a road cut?</p> <p>7 A. The road cut is the intersection between</p> <p>8 the hill and the cat track.</p> <p>9 Q. Correct. So, for example, these roads</p> <p>10 or cat tracks are made by Snowcats, big machines</p> <p>11 that go up and down the mountain, correct?</p> <p>12 A. Correct.</p> <p>13 Q. And they have a big --</p> <p>14 A. Tiller.</p> <p>15 Q. Yeah, a big tiller on the front and they</p> <p>16 cut through the road, correct? Or cut through the</p> <p>17 snow, that's a better way to put it?</p> <p>18 A. Yeah.</p> <p>19 Q. Okay. And it's Big Sky policy that if</p> <p>20 that Snowcat, if it makes a cut, so in other words,</p> <p>21 if it makes a vertical road cut that is a drop-off</p> <p>22 to the road, that's a road cut, right?</p> <p>23 A. Correct.</p> <p>24 Q. So a vertical drop from the trail onto</p> <p>25 the cat track, we can agree that's a road cut?</p>	<p>1 what happened in the Ride Another Day video?</p> <p>2 A. It was a mother and a daughter skiing on</p> <p>3 the slope and then the daughter fell, lost her skis</p> <p>4 and another snowboarder came down, didn't see the</p> <p>5 girl and hit the girl and both died. And then the</p> <p>6 story about -- so actually, he hit the mother too</p> <p>7 and the mother was in a coma and then their story</p> <p>8 of recovery and struggles and...</p> <p>9 Q. And you, a Big Sky ski patroller, you</p> <p>10 watched the video about that incident, correct?</p> <p>11 A. Correct.</p> <p>12 Q. And then the people involved in the</p> <p>13 accident actually came and spoke to the Big Sky ski</p> <p>14 patrol, correct?</p> <p>15 A. Correct.</p> <p>16 Q. And they were emphasizing to you how</p> <p>17 important it is for skiers to ski in control,</p> <p>18 correct?</p> <p>19 A. Correct.</p> <p>20 Q. And to be able to stop so that they</p> <p>21 don't hit obstacles or people below them, correct?</p> <p>22 A. Yeah.</p> <p>23 Q. And that's the skier's obligation, they</p> <p>24 have to be able to stop so that they don't hit</p> <p>25 people below them, right?</p>
Page 74	Page 76
<p>1 A. Correct.</p> <p>2 Q. Where that's straight up and down from</p> <p>3 the run onto the cat track, right?</p> <p>4 A. Correct.</p> <p>5 Q. That did not exist in this case on the</p> <p>6 Highway run on December 11, 2015, correct?</p> <p>7 A. That picture that I saw yesterday where</p> <p>8 the guy stands there, if John Meyer went through</p> <p>9 there, there was no road cut.</p> <p>10 Q. Okay. And isn't it true that road</p> <p>11 cuts -- in other words, vertical drops, are what</p> <p>12 are marked by the Big Sky ski patrol?</p> <p>13 A. Those are marked.</p> <p>14 Q. And that did not exist on December 11,</p> <p>15 2015, correct?</p> <p>16 A. Correct.</p> <p>17 Q. On this run?</p> <p>18 A. No.</p> <p>19 Q. So therefore, there was no obligation to</p> <p>20 mark this run, right?</p> <p>21 A. Correct.</p> <p>22 Q. Do you remember being trained about the</p> <p>23 Ride Another Day video?</p> <p>24 A. Yes.</p> <p>25 Q. And tell me -- describe for the jury</p>	<p>1 A. Correct.</p> <p>2 Q. And part of the other thing that you</p> <p>3 were taught about the Ride Another Day video is</p> <p>4 that on every run, every ski run, depending on your</p> <p>5 perspective, there are potential blind spots,</p> <p>6 right?</p> <p>7 A. Uh-huh.</p> <p>8 Q. Is that a yes?</p> <p>9 A. Yes.</p> <p>10 Q. So even one of the easiest runs at Big</p> <p>11 Sky -- can we agree Mr. K is one of the easier runs</p> <p>12 at Big Sky?</p> <p>13 A. Yes.</p> <p>14 Q. And Mr. K undulates. I mean overall it</p> <p>15 goes downhill but it undulates. It goes up and</p> <p>16 down a little bit as it goes downhill, correct?</p> <p>17 A. Yes.</p> <p>18 Q. So if you -- if you're skiing Mr. K</p> <p>19 really fast and you're way uphill, you might not be</p> <p>20 able to see someone that's downhill. They might be</p> <p>21 over a little bit of a undulation, correct?</p> <p>22 A. Yes, yes.</p> <p>23 Q. And you, as the skier, when you go over</p> <p>24 that undulation, you have to be in control and be</p> <p>25 able to stop so you don't hit an object or a</p>

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<p>1 person, correct?</p> <p>2 A. Correct.</p> <p>3 Q. And if you're skiing slower, then as</p> <p>4 soon as you get up on that hill you can see</p> <p>5 everything below you, right?</p> <p>6 A. Correct.</p> <p>7 Q. Okay. And Mr. Meyer had those same</p> <p>8 obligations as a skier, right?</p> <p>9 A. Correct.</p> <p>10 (Whereupon, Deposition</p> <p>11 Exhibit Number 71 was</p> <p>12 marked for identification.)</p> <p>13 BY MR. McINTOSH:</p> <p>14 Q. I'm going to hand you what I've marked</p> <p>15 as Exhibit 71. Do you recognize what is Exhibit</p> <p>16 71?</p> <p>17 A. It says NSAA, National Ski Areas</p> <p>18 Association, Collision Safety.</p> <p>19 Q. And then there's reference to the Ride</p> <p>20 Another Day poster, correct?</p> <p>21 A. There's a poster right here, yeah. And</p> <p>22 then there's a text. Should I read that? And then</p> <p>23 there's safety "Lids on Kids" and so forth.</p> <p>24 Q. And do you recognize this poster from</p> <p>25 the training you received as a Big Sky ski</p>	<p>1 correct?</p> <p>2 A. Correct.</p> <p>3 Q. You certainly agree with that, don't</p> <p>4 you?</p> <p>5 A. Yes.</p> <p>6 Q. And under Number 3 it says under "Plan</p> <p>7 Ahead," part of the things you were trained were</p> <p>8 that skiers need to ease up at blind spots, do you</p> <p>9 see that?</p> <p>10 A. Yeah, I see that.</p> <p>11 Q. And you agree with that, don't you?</p> <p>12 A. Yes.</p> <p>13 Q. And you were also trained that skiers</p> <p>14 need to look out for spots on the run where traffic</p> <p>15 merges or you can't see what's coming next, do you</p> <p>16 see that?</p> <p>17 A. Yes.</p> <p>18 Q. You agree that skiers need to look out</p> <p>19 for spots on a run where traffic merges or you</p> <p>20 can't see what's coming next, don't you?</p> <p>21 A. They need to. They don't do it always.</p> <p>22 Q. And if they don't do it, it's the</p> <p>23 skier's fault, correct?</p> <p>24 A. Correct.</p> <p>25 Q. And the next sentence that you were</p>
Page 78	Page 80
<p>1 patroller?</p> <p>2 A. We had cards.</p> <p>3 Q. You had cards that were just like what</p> <p>4 is shown on Exhibit 71?</p> <p>5 A. Similar to it. I don't know if it was</p> <p>6 exactly but it was about the same issue, incident.</p> <p>7 Q. And then Exhibit 71 is a two-sided</p> <p>8 document. Look on the second page, please.</p> <p>9 A. Oh, it's a video link.</p> <p>10 Q. To the Ride Another Day video, correct?</p> <p>11 A. Correct.</p> <p>12 Q. And then below the video link is a list</p> <p>13 of three actions every skier and rider can take to</p> <p>14 help themselves and those around them safer on the</p> <p>15 slopes?</p> <p>16 A. Yes. Be ready, stay alert, and plan</p> <p>17 ahead.</p> <p>18 Q. And was that information on the back of</p> <p>19 these cards that you received as part of your</p> <p>20 training as a ski patroller?</p> <p>21 A. Probably. I don't recall it.</p> <p>22 Q. Okay. And under Number 1, where it says</p> <p>23 "Be Ready," it states -- and this is what you were</p> <p>24 trained -- that skiers need to be ready to slow</p> <p>25 down or avoid objects or other people at any time,</p>	<p>1 trained on was that -- states that if the skier is</p> <p>2 unfamiliar with the run, the skier should take it</p> <p>3 easy the first time down and make a note of places</p> <p>4 where you will want to slow down such as cat tracks</p> <p>5 and rollers, correct?</p> <p>6 A. It stands like this, yes. It says here.</p> <p>7 Q. And that's what you were trained, right?</p> <p>8 A. To make note of rollers and cat tracks,</p> <p>9 no. I don't recall that I go skiing to look at a</p> <p>10 map to remember where the roller is and then after</p> <p>11 that ski a run. I don't do that.</p> <p>12 Q. Okay. I don't think that's what it</p> <p>13 says. Doesn't it -- it says if you're unfamiliar</p> <p>14 with the run, so as you're skiing down it if you're</p> <p>15 unfamiliar with the run, you were taught to take it</p> <p>16 easy the first time down, right?</p> <p>17 A. It's a good suggestion.</p> <p>18 Q. And you were taught that if you're</p> <p>19 unfamiliar with the run, you should slow down at</p> <p>20 places such as cat tracks and rollers, correct?</p> <p>21 A. You should slow down before rollers,</p> <p>22 yes.</p> <p>23 Q. And do you agree that skiers should slow</p> <p>24 down before cat tracks?</p> <p>25 A. Yeah.</p>

<p style="text-align: right;">Page 81</p> <p>1 Q. And that's what you were trained, 2 correct? 3 A. Correct. 4 Q. And if Mr. Meyer would have done that, 5 this accident would not have occurred, right? 6 A. If he would have slowed down before the 7 cat track, no, it probably wouldn't have occurred. 8 Q. And he certainly could have slowed down 9 before the cat track, correct? 10 A. He could have slowed down anytime. 11 Q. And it was his choice not to do so, 12 correct? 13 A. Correct, he was skiing. 14 Q. And if Mr. Meyer would have -- let's say 15 there would have been a child, maybe one of your 16 grandchildren below that cat track, if Mr. Meyer 17 would have run into that person, that would have 18 been his fault, correct? 19 A. Correct. 20 Q. You agree, don't you, that Mr. Meyer 21 should have slowed down before the cat track? 22 A. He probably would have if he'd have seen 23 it. 24 Q. And there was nothing preventing 25 Mr. Meyer from seeing the cat track, was there?</p>	<p style="text-align: right;">Page 83</p> <p>1 knowing where he came down? 2 A. Right. 3 Q. Did you talk to him about where he came 4 down? 5 A. Well, what I remember, this log is in 6 the picture and so I assume that he came down 7 somewhere above that log. 8 Q. So I'm going to hand you a pen and I 9 want you to draw on this. And we'll mark this as a 10 new exhibit. I want you to draw where you believe 11 Mr. Meyer came down the Highway run on December 11, 12 2015. 13 A. Where he could have come down. 14 Q. Well, no, I want to know where you 15 believe he came down; in other words, where you 16 think he came down to form your opinions? 17 A. So from here, somewhere here 18 (indicating). 19 MR. McINTOSH: We need to get a better pen. 20 Let's pause for one second. 21 MS. WALAS: Want to use the green Hi-Liter? 22 MR. McINTOSH: What's that? 23 MS. WALAS: Maybe use that green Hi-Liter. 24 Mr. McINTOSH: Yeah, let's try this. Try 25 this green Hi-Liter. Thank you.</p>
<p style="text-align: right;">Page 82</p> <p>1 A. For him to look there was nothing 2 preventing according to this picture. 3 Q. Well, do you agree that this picture was 4 taken under substantially similar conditions? 5 A. My assumption, if he did not see the cat 6 track he might have come either somewhere else or 7 it was just for him not to see. 8 Q. My question was, there was nothing 9 preventing Mr. Meyer from seeing the cat track, was 10 there? 11 A. According to this picture, no, because 12 you can see the cat track from up here. 13 Q. Well, but my question is, as Mr. Meyer 14 was skiing down the Highway run, there was 15 nothing -- on December 11, 2015, there was nothing 16 that prevented him from seeing the cat track, 17 correct? 18 A. If he came down here, yes. But for 19 example, I don't know if he came through a dip or 20 where he's lower than the cat track, he might not 21 have seen it. 22 Q. Okay. Well, do you know where he came 23 down? 24 A. No. 25 Q. So you formed your opinions without</p>	<p style="text-align: right;">Page 84</p> <p>1 MS. WALAS: Yeah. 2 MR. McINTOSH: Let's see if this works and 3 then if it doesn't, we'll -- 4 THE WITNESS: So Highway run in my -- 5 MR. McINTOSH: Okay. Are we still on the 6 record? Okay, sorry. Okay, go ahead. I'm sorry, 7 Ms. Dixon, go ahead. 8 THE WITNESS: I don't know if this tree is 9 already part of that voided area of zucchini patch, 10 but the Highway run is pretty wide so he -- when he 11 landed here, he probably came down somewhere in 12 that picture thing. So I would say he probably 13 came down this way. So this would be the area 14 probably where he skied and then he came down 15 somewhere here. I don't know how his skiing is, if 16 it's short turn or long turn. He could have come 17 down like this or he could have come down like 18 this. He could have come down like that. 19 MR. McINTOSH: Okay. So -- 20 THE WITNESS: In turns. 21 BY MR. McINTOSH: 22 Q. Okay. So based on your drawings, is it 23 fair to say you don't know where Mr. Meyer came 24 down on December 11, 2015? 25 A. I don't know.</p>

<p style="text-align: right;">Page 85</p> <p>1 Q. And is it fair to say then that where 2 Mr. Meyer came down the Highway run on December 11, 3 2015 is irrelevant to your opinions in this case? 4 A. Where he came down is irrelevant? 5 Q. To your opinions. 6 A. To which opinions? 7 Q. Any of your opinions. 8 A. It's -- I think it is -- it would be 9 necessary to know if he came through that dip or if 10 he came like this here, I don't know. We have a 11 picture of the area. I think it's just right above 12 the log and it's a very small area. We have no 13 picture of the side of the cat track, looking down 14 the cat track, so. 15 Q. Well, we do, don't we? We do have 16 pictures of looking down the cat track? 17 A. I have not seen one and I was actually 18 thinking that we should have gotten a picture that 19 day of going down the cat track from that side. 20 Q. I'm going to hand you what was -- first 21 of all, before we move onto that, I'm going to mark 22 your drawing as Exhibit 72. 23 A. Yeah, 72. 24 /// 25 /// </p>	<p style="text-align: right;">Page 87</p> <p>1 taken from the side of the area of Mr. Meyer's 2 accident, right? 3 A. Yes, side of the accident area. 4 Q. And you agree that there is not a steep 5 and significant transition anywhere shown in this 6 photograph from Highway onto the Loop Road, 7 correct? 8 A. I think there's a significant transition 9 between the Highway and the Loop Road because the 10 Highway is here. This area, I would say, is blue 11 and then the Loop Road is flat, so it's a 12 significant transition. I don't know how else I 13 would call significant transition. 14 Q. Well, what angle does a transition have 15 to be for you to contend it's significant? 16 A. Um, what angle? From flat to a 17 different angle than 180 degrees. 18 Q. Okay. 19 A. Maybe, I mean flat to 175 is not 20 significant but I would say from an angle of 30 21 degree to flat is pretty significant. 22 Q. And what was the angle of Highway onto 23 the Loop Road where Mr. Meyer skied it on December 24 11, 2015? 25 A. I don't know. I don't have -- I don't </p>
<p style="text-align: right;">Page 86</p> <p>1 (Whereupon, Deposition 2 Exhibit Number 72 was 3 marked for identification.) 4 BY MR. McINTOSH: 5 Q. So just for the record, Ms. Dixon, 6 Exhibit 72 is your drawing -- 7 A. Yeah. 8 Q. -- on the Highway run; is that correct? 9 A. It's my artwork. 10 Q. And you do not know where Mr. Meyer came 11 down the run that day, correct? 12 A. No. Correct. 13 Q. Okay. So next I'm going to show you 14 what has been previously marked as Exhibit 13. And 15 you recognize Exhibit 13 as a photograph taken from 16 the side of the transition -- or excuse me, the 17 variation in terrain from Highway onto the Loop 18 Road cat track, correct? 19 A. From higher up the Loop Road in an angle 20 to where the Loop Road is running, correct. 21 Q. So this is a picture taken from the side 22 of the area of Mr. Meyer's accident, right? 23 A. In an angle, not how I would have taken 24 a picture. 25 Q. But you agree that this is a picture </p>	<p style="text-align: right;">Page 88</p> <p>1 have any measurements from there. 2 Q. Well, we actually have a photograph, 3 don't we, of where Mr. Meyer skied from Highway 4 onto Loop Road? 5 A. I don't know. Is there a track of 6 Mr. Meyer's ski where he came down on here? There 7 are some tracks but do we know which one is 8 Mr. Meyer's track? 9 Q. I'm going to hand you what's been 10 previously marked as Exhibit 29. Exhibit 29 is a 11 photograph of the area of where Mr. Meyer skied 12 from Highway onto the Loop Road, correct? 13 A. It's looking down onto the area of 14 where the -- where he ended up on the log. 15 We -- on -- 16 Q. And we don't -- sorry, go ahead. 17 A. -- this photo we still don't know where 18 exactly he came from. 19 Q. Well, he went through this area shown in 20 Exhibit 29, didn't he? 21 A. He must have, yeah, because he ended up 22 on that log. 23 Q. Okay. So you agree that Mr. Meyer skied 24 from Highway onto the Loop Road in the area shown 25 in Exhibit 29, right? </p>

<p style="text-align: right;">Page 89</p> <p>1 A. Yeah.</p> <p>2 Q. And that area shown in Exhibit 29 is not</p> <p>3 a steep and significant transition --</p> <p>4 A. No.</p> <p>5 Q. -- from Highway onto Loop Road, is it?</p> <p>6 A. No.</p> <p>7 Q. So therefore, this area did not need to</p> <p>8 be marked, did it?</p> <p>9 A. This looks much flatter than it is</p> <p>10 according to this other picture, but it's not a</p> <p>11 road cut there. So we didn't mark it because</p> <p>12 there's no road cut.</p> <p>13 Q. And that's the industry standard, isn't</p> <p>14 it?</p> <p>15 A. Yeah, as far as I know.</p> <p>16 Q. I'm sorry, can we take another quick</p> <p>17 break?</p> <p>18 A. Yeah.</p> <p>19 Q. I promise not to drink any more coffee.</p> <p>20 VIDEO TECHNICIAN: This ends Disc Number 2.</p> <p>21 We're off the record. The time is 10:49.</p> <p>22 (Whereupon, a brief</p> <p>23 recess was taken.)</p> <p>24 VIDEO TECHNICIAN: Okay. This is the start</p> <p>25 of Disc 3. We're back on the record. The time is</p>	<p style="text-align: right;">Page 91</p> <p>1 everything that we needed was in the files.</p> <p>2 Q. Okay. So is it fair to say that your</p> <p>3 job as the accident investigation supervisor was to</p> <p>4 make sure the investigation was complete?</p> <p>5 A. Yes.</p> <p>6 Q. That was your primary responsibility?</p> <p>7 A. As the supervisor, yes.</p> <p>8 Q. Correct. And, for example, you did</p> <p>9 not -- well, strike that.</p> <p>10 As an accident investigation supervisor,</p> <p>11 was it part of your job responsibilities to go to</p> <p>12 an accident scene after an accident has occurred</p> <p>13 and determine whether or not any operational</p> <p>14 changes need to be made?</p> <p>15 A. Um, I did not -- many times I did not go</p> <p>16 to the accident itself unless I was the accident</p> <p>17 investigator.</p> <p>18 Q. Okay. But my question is a little bit</p> <p>19 different. You agree, don't you, that it was not</p> <p>20 part of your job to go out to an accident scene</p> <p>21 after --</p> <p>22 A. Yeah.</p> <p>23 Q. -- the accident occurred to assess the</p> <p>24 scene and then determine whether changes should be</p> <p>25 made?</p>
<p style="text-align: right;">Page 90</p> <p>1 10:53.</p> <p>2 BY MR. McINTOSH:</p> <p>3 Q. Ms. Dixon, do you understand you're</p> <p>4 still under oath?</p> <p>5 A. Yes.</p> <p>6 Q. I want to talk to you about your</p> <p>7 responsibilities on the accident investigation</p> <p>8 team. Do you understand what the accident</p> <p>9 investigation team was?</p> <p>10 A. My people that took pictures and worked</p> <p>11 the accident investigation.</p> <p>12 Q. And that was sometimes referred to as</p> <p>13 the AI team, correct?</p> <p>14 A. Correct.</p> <p>15 Q. What did you believe your</p> <p>16 responsibilities were as a supervisor of the</p> <p>17 accident investigation team?</p> <p>18 A. I did all kinds of stuff, but my main</p> <p>19 thing was to make sure that we collect files,</p> <p>20 photos, measurements. I went through peoples'</p> <p>21 statements. I talked to people when we -- when</p> <p>22 they came in to write their statements. I taught</p> <p>23 my team how we do accident investigations. When I</p> <p>24 was out on the hill I did the same as my team. But</p> <p>25 at the end, I made sure that all the forms and</p>	<p style="text-align: right;">Page 92</p> <p>1 A. No.</p> <p>2 Q. That was not your job?</p> <p>3 A. No, that was not my job.</p> <p>4 Q. Okay. You were, however, told as part</p> <p>5 of your job on a yearly basis that if you ever had</p> <p>6 concerns about an accident, you were told to bring</p> <p>7 those concerns or bring your opinions about what</p> <p>8 happened to your supervisors, right?</p> <p>9 A. Um, I don't think I was told but I did</p> <p>10 it. I don't think I got specific training about</p> <p>11 that, if you -- then that.</p> <p>12 Q. Weren't you specifically told every year</p> <p>13 by Mike Unruh and other people that if you believed</p> <p>14 Big Sky screwed up, that after an incident you were</p> <p>15 supposed to go and tell your supervisors that?</p> <p>16 A. That Big Sky screwed up?</p> <p>17 Q. Yes.</p> <p>18 A. It's general that we talk about things</p> <p>19 to not screw up as Big Sky, make sure that people</p> <p>20 are safe.</p> <p>21 Q. Right. But everybody makes mistakes,</p> <p>22 every organization makes mistakes, and you were</p> <p>23 always taught as part of your training that if you</p> <p>24 thought Big Sky made a mistake that led to someone</p> <p>25 being injured, you were supposed to go and tell</p>

<p style="text-align: right;">Page 93</p> <p>1 your supervisors that, weren't you?</p> <p>2 A. If I was aware of this, that we should</p> <p>3 have, could have, yes.</p> <p>4 Q. And you never went to any of your</p> <p>5 supervisors and said anything should have been done</p> <p>6 differently in relation to Mr. Meyer's accident,</p> <p>7 did you?</p> <p>8 A. I don't recall that specific, if I did</p> <p>9 or not.</p> <p>10 Q. Well, you never -- after Mr. Meyer's</p> <p>11 accident, you never told someone that this area</p> <p>12 should have been marked, did you?</p> <p>13 A. No. In my years of accident</p> <p>14 investigation, I am not telling supervisors to mark</p> <p>15 this. We talk about things need to be marked or</p> <p>16 certain things like road cuts or obstacles or.</p> <p>17 Q. Isn't it true that your last few years</p> <p>18 as a ski patroller you were primarily working as a</p> <p>19 dispatcher?</p> <p>20 A. No.</p> <p>21 Q. What were you doing your last few years</p> <p>22 as a ski patroller?</p> <p>23 A. I was the accident investigation</p> <p>24 supervisor.</p> <p>25 Q. And when you were the accident</p>	<p style="text-align: right;">Page 95</p> <p>1 A. It's network marketing.</p> <p>2 Q. What is network marketing?</p> <p>3 A. It's also called in this case social</p> <p>4 retail. We are selling products to people that are</p> <p>5 in need of certain products.</p> <p>6 Q. So what type of products do you sell</p> <p>7 on -- through your network marketing?</p> <p>8 A. Health and wellness products.</p> <p>9 Q. What type of health and wellness</p> <p>10 products do you sell?</p> <p>11 A. The main product is collagen, liquid</p> <p>12 collagen and weight loss products and then a whole</p> <p>13 series of different vitamins and enzymes and</p> <p>14 probiotics and chemically free cleaning products.</p> <p>15 Q. Other than the amounts that you are</p> <p>16 being paid by Mr. Meyer to testify in this case,</p> <p>17 what is your current monthly income?</p> <p>18 A. My current monthly income is about \$100.</p> <p>19 Q. 100?</p> <p>20 A. From the company. Yeah, because I just</p> <p>21 started out.</p> <p>22 Q. Okay. So other than earning</p> <p>23 approximately \$100 from your network marketing and</p> <p>24 other than this case, do you have any other sources</p> <p>25 of income right now?</p>
<p style="text-align: right;">Page 94</p> <p>1 investigation supervisors -- supervisor, how much</p> <p>2 of your time were you actually spending on skis out</p> <p>3 on the mountain?</p> <p>4 A. Um, the last year or two, very little</p> <p>5 because of all the other responsibilities I took</p> <p>6 on.</p> <p>7 Q. When was the last time that you had as</p> <p>8 part of your job actually identifying and marking</p> <p>9 hazards?</p> <p>10 A. Last winter.</p> <p>11 Q. Okay. How do you characterize your</p> <p>12 departure from Big Sky?</p> <p>13 A. Abrupt.</p> <p>14 Q. Okay. And so if someone asks you why</p> <p>15 are you no longer working at Big Sky, what do you</p> <p>16 tell them?</p> <p>17 A. I wasn't rehired.</p> <p>18 Q. And isn't it true that you posted some</p> <p>19 Facebook videos about being not rehired?</p> <p>20 A. I am -- I have an online business and I</p> <p>21 am part of my story and I did -- I'm making live</p> <p>22 videos and part of my story is that I'm not rehired</p> <p>23 from the company and that I'm now doing my online</p> <p>24 business.</p> <p>25 Q. What is your online business?</p>	<p style="text-align: right;">Page 96</p> <p>1 A. Yeah.</p> <p>2 Q. What?</p> <p>3 A. I have a rental condo and I get the rent</p> <p>4 and I have -- my son is paying rent.</p> <p>5 Q. Anything else?</p> <p>6 A. I will start working at the Outpost</p> <p>7 Hotel in Belgrade part time and if somebody -- a</p> <p>8 friend of mine or people that I know want a</p> <p>9 craniosacral session, I do give them a craniosacral</p> <p>10 session.</p> <p>11 Q. How much did Meyer pay you for</p> <p>12 craniosacral sessions?</p> <p>13 A. I think he paid my full fee.</p> <p>14 Q. Which is what?</p> <p>15 A. \$100.</p> <p>16 Q. You said you're going to start working</p> <p>17 at the Outpost Hotel in Belgrade?</p> <p>18 A. Yeah.</p> <p>19 Q. When?</p> <p>20 A. Today.</p> <p>21 Q. Okay. So we need to hurry up and get</p> <p>22 done. You should have told me that earlier.</p> <p>23 A. No. Doesn't matter.</p> <p>24 Q. Why have you not obtained another job in</p> <p>25 the ski industry, for example as a ski patroller at</p>

Page 97	Page 99
<p>1 Bridger Bowl?</p> <p>2 A. Because I didn't want to.</p> <p>3 Q. Why?</p> <p>4 A. Because I was starting my online</p> <p>5 business in the end of October and I'm working this</p> <p>6 full time and I didn't want to. I just -- it</p> <p>7 wasn't in my plan to be a ski patroller in Bridger</p> <p>8 Bowl.</p> <p>9 Q. Did you apply for any jobs at Bridger</p> <p>10 Bowl?</p> <p>11 A. No.</p> <p>12 Q. Okay. Have you applied for any jobs</p> <p>13 anywhere in the ski industry since --</p> <p>14 A. No.</p> <p>15 Q. -- you left Big Sky?</p> <p>16 A. No.</p> <p>17 Q. Is this network marketing that you're</p> <p>18 talking about, is this multitiered sales?</p> <p>19 A. Multilevel marketing.</p> <p>20 Q. Multilevel marketing?</p> <p>21 A. Yes.</p> <p>22 Q. And is that -- that's a system where you</p> <p>23 get paid more depending on the greater number of</p> <p>24 people you get below you, correct?</p> <p>25 A. Um, that -- how it should happen, yes.</p>	<p>1 (Whereupon, Deposition</p> <p>2 Exhibit Number 73 was</p> <p>3 marked for identification.)</p> <p>4 BY MR. MCINTOSH:</p> <p>5 Q. And Ms. Dixon, I've now handed you what</p> <p>6 I've marked as Exhibit 73; is that correct?</p> <p>7 A. Correct.</p> <p>8 Q. And Exhibit 73 is the affidavit that you</p> <p>9 signed in this case; is that correct?</p> <p>10 A. Correct.</p> <p>11 Q. And how was this affidavit prepared? In</p> <p>12 other words, did you prepare it?</p> <p>13 A. With John Meyer.</p> <p>14 Q. And how did the two of you prepare it?</p> <p>15 Well, first of all, you prepared it together; is</p> <p>16 that correct?</p> <p>17 A. Yes.</p> <p>18 Q. And how did the two of you prepare it?</p> <p>19 A. We talked and he asked me questions and</p> <p>20 I answered.</p> <p>21 Q. Were you sitting there together at your</p> <p>22 computer or at his computer or how did that work?</p> <p>23 Were you on your phone?</p> <p>24 A. I was at his office and I did not have</p> <p>25 my computer. So I think he typed it into his</p>
Page 98	Page 100
<p>1 Q. Yeah. So in other words --</p> <p>2 A. It's a residual income stream.</p> <p>3 Q. Isn't that a pyramid scheme?</p> <p>4 A. No.</p> <p>5 Q. What's the difference between multilevel</p> <p>6 marketing and a pyramid scheme?</p> <p>7 A. Pyramid scheme is if there are no</p> <p>8 product involved.</p> <p>9 Q. There are no products involved?</p> <p>10 A. If there are no products involved.</p> <p>11 Q. Okay.</p> <p>12 A. It's like sending money.</p> <p>13 Q. So the only difference between what</p> <p>14 you're doing and a pyramid scheme is that there are</p> <p>15 products involved; is that right?</p> <p>16 A. If there is product involved, it's like</p> <p>17 a business like any other business; Walmart,</p> <p>18 Target, knitting, wool, yarn business.</p> <p>19 Q. Have you ever acted as an expert witness</p> <p>20 in any other case?</p> <p>21 A. No.</p> <p>22 Q. Your -- the affidavit that you submitted</p> <p>23 with your expert report, let's mark that as an</p> <p>24 exhibit.</p> <p>25 ///</p>	<p>1 computer.</p> <p>2 Q. So would you agree that Mr. Meyer</p> <p>3 prepared this affidavit?</p> <p>4 A. He asked me the questions and I answered</p> <p>5 the questions, but he was doing the actual typing.</p> <p>6 Q. So he prepared it based on questions</p> <p>7 that he was asking you?</p> <p>8 A. Yeah.</p> <p>9 Q. Okay. And did he specifically ask you</p> <p>10 about the privileged information that is in</p> <p>11 paragraph 7 and 8?</p> <p>12 A. So what's the question? On 7 it is that</p> <p>13 you and Mr. Taylor Middleton came to talk to us.</p> <p>14 Q. Okay, I'm going to move to strike.</p> <p>15 Ms. Dixon, the question was, did</p> <p>16 Mr. Meyer specifically ask you about the privileged</p> <p>17 information that is in paragraphs 7 and 8?</p> <p>18 A. I don't remember how he asked me the</p> <p>19 questions.</p> <p>20 Q. But Mr. Meyer was asking you</p> <p>21 specifically about information that Big Sky's</p> <p>22 attorney provided to you; is that right?</p> <p>23 A. How we got trained was the question I</p> <p>24 think.</p> <p>25 Q. And then he asked you specifically about</p>

<p style="text-align: right;">Page 101</p> <p>1 information Big Sky's attorney provided to you; is 2 that right?</p> <p>3 A. I don't know if he asked me and how he 4 asked me. I think that the training that we are 5 getting every year during the refresher, but from 6 you is pretty much the only training we ever get 7 from outside.</p> <p>8 Q. So Mr. Meyer was asking you specifically 9 about things that I told you and others at Big Sky; 10 is that right?</p> <p>11 A. No, I don't think he asked me that 12 specifically. Because he asked me about the 13 training, how -- I don't remember the exact 14 question he asked me but we talked about the 15 training that we receive from Big Sky or other 16 areas to become accident investigators.</p> <p>17 Q. In paragraph 11 you stated that as 18 supervisor of the accident investigation team you, 19 quote, signed off, end quote, on accident 20 investigations; is that right?</p> <p>21 A. Yeah, it says here "signed off."</p> <p>22 Q. What does that mean that you "signed 23 off" on accident investigations?</p> <p>24 A. It kind of is a short expression of what 25 I did with and during my job. By looking at all</p>	<p style="text-align: right;">Page 103</p> <p>1 word independent mean, the term independent risk 2 manager?</p> <p>3 A. In that case? That he's not a ski 4 patroller, that his only job is risk managing and 5 maybe coming from -- it's not always -- I think 6 there's -- we didn't have one. In my opinion, we 7 didn't have an independent risk manager. But I'm 8 sure and I've heard that there are people going 9 around different ski areas being the risk manager, 10 going to different ski areas and making sure 11 that...</p> <p>12 Q. Can you name one Montana sky resort that 13 has a quote, "independent risk manager"?</p> <p>14 A. No, I can't.</p> <p>15 Q. In fact there aren't any, are there?</p> <p>16 A. I don't know. In Montana specifically?</p> <p>17 Q. You have no idea?</p> <p>18 A. We talk -- Bob and I talked many times 19 about the position of risk manager.</p> <p>20 Q. But do you claim you were the risk 21 manager?</p> <p>22 A. No.</p> <p>23 Q. How do you contend that Big Sky's 24 alleged -- the fact that Big Sky allegedly didn't 25 have an independent risk manager, how do you</p>
<p style="text-align: right;">Page 102</p> <p>1 the forms, if people -- if we need more forms or 2 photos or if the patroller's statement was how we 3 needed it and if the EMS card was included and all 4 these little files that needed to be in the 5 accident investigation, that it's there.</p> <p>6 Q. So when you say you "signed off" on 7 accident investigation reports, you're just saying 8 you were making sure that the accident 9 investigation was complete?</p> <p>10 A. Yeah.</p> <p>11 Q. Do you mean anything else other than 12 that?</p> <p>13 A. No, that's correct.</p> <p>14 Q. In paragraph 13 you said -- or this 15 affidavit that you signed says that "To the best of 16 my knowledge, Big Sky Resort did not have an 17 independent risk manager." Do you see that?</p> <p>18 A. Yeah.</p> <p>19 Q. What is an independent risk manager?</p> <p>20 A. A person that goes around as a risk 21 assessor to make sure that the area is safe and 22 he's not working as a ski patroller but as an 23 independent risk manager.</p> <p>24 Q. What does that mean to you, an 25 independent -- specifically there, what does the</p>	<p style="text-align: right;">Page 104</p> <p>1 believe that is relevant to Mr. Meyer's ski wreck?</p> <p>2 A. Um, how do I believe it's relevant?</p> <p>3 It's relevant I think to danger and markings and 4 accidents that happen.</p> <p>5 Q. How does that make any sense? I don't 6 understand the answer.</p> <p>7 A. I don't understand the question. But 8 the risk manager has a job to make sure that the 9 people that are guests of the ski areas are safe 10 and...</p> <p>11 Q. What do you base that on? Where in the 12 industry, in the ski industry -- do you believe it 13 is industry standard to have an independent risk 14 manager?</p> <p>15 A. Some areas I think they do, yeah.</p> <p>16 Q. My question was, do you believe it is 17 industry standard to have a quote, "independent 18 risk manager"?</p> <p>19 A. Obviously, you don't have to have an 20 independent risk manager because otherwise Big Sky 21 would have had one.</p> <p>22 Q. And it's not standard in the industry to 23 have an independent risk manager, is it?</p> <p>24 A. Obviously not.</p> <p>25 Q. And you were familiar with the area of</p>

<p style="text-align: right;">Page 105</p> <p>1 Mr. Meyer's accident and you never recommended that 2 it be marked before December 11, 2015, right? 3 A. I already said that I wasn't there 4 working on Challenger. 5 Q. Right. 6 A. Yeah. 7 Q. But you were familiar with the area and 8 you never recommended that it be marked, did you? 9 A. I didn't. 10 Q. And so is it somehow your opinion that 11 an independent risk manager would have done a 12 better job than you would have done? 13 A. It depends on the risk manager and it 14 depends on my quality of my job. 15 Q. Right. You don't know one way or the 16 other, right? 17 A. No. 18 Q. Do you take any responsibility for 19 Mr. Meyer's accident? 20 A. Do I personally? 21 Q. Yes. 22 A. No. 23 Q. Why not? 24 A. Because I was not out there skiing that 25 day.</p>	<p style="text-align: right;">Page 107</p> <p>1 A. Before the accident? 2 Q. Correct. 3 A. No, nothing preventing me. 4 Q. Okay. So then if you could have put up 5 a sign and that might have prevented Mr. Meyer's 6 accident, do you take any responsibility, any 7 personal responsibility for it? 8 A. Not to tell it? No, it's not my 9 responsibility. 10 Q. Well, whose responsibility do you think 11 it was, if it wasn't yours? If it wasn't the 12 supervisor of the accident investigation team, 13 whose responsibility do you think it was? 14 A. The supervisors on the hill. 15 Q. Okay. Who's that? 16 A. That one -- 17 Q. Who specifically -- 18 A. -- Challenger supervisor maybe. 19 Q. Who specifically do you think should 20 have said that this area should be marked? 21 A. It's the patrollers, the ski patrollers. 22 Q. Who? I mean you know them all, right? 23 A. Yeah. 24 Q. You worked there for ten years? 25 A. More.</p>
<p style="text-align: right;">Page 106</p> <p>1 Q. Were you even working that day? 2 A. I've been working that day in my office. 3 Q. So you were working on December 11, 2015 4 in your office? 5 A. Uh-huh. 6 Q. Is that a yes? 7 A. That is a yes. 8 Q. Okay. And were you working December 10, 9 2015? 10 A. I don't remember what day of my four day 11 cycle was December 11th. 12 Q. Okay. 13 A. I could have. 14 Q. There's certainly nothing that prevented 15 you from recommending that this area be marked 16 before December 11, 2015, was there? 17 A. It was not in my jurisdiction to tell 18 people or supervisors or ski patrol directors what 19 to mark and what not to mark. That is not my job. 20 That wasn't my -- 21 Q. That wasn't my question. 22 There was nothing that prevented you 23 from either marking this area yourself or telling 24 your husband, the director of ski patrol, that the 25 area should be marked?</p>	<p style="text-align: right;">Page 108</p> <p>1 Q. So who do you think specifically within 2 the ski patrol should have said this area should 3 have been marked? 4 A. Who? You want a name? 5 Q. Yes. 6 A. Ryan Ayres maybe. 7 Q. Okay. So I just want to make clear. 8 You -- on the record today, are you -- is it your 9 testimony that Ryan Ayres is responsible for 10 Mr. Meyer's accident? 11 A. You said I should mention any name. I 12 don't know who was posting up there. 13 Q. No, I didn't just say mention any name. 14 A. You said mention a person's name. 15 Q. No. No, Ms. Dixon, you must have 16 misunderstood. 17 I want to know who you contend within 18 the Big Sky ski patrol should have marked this 19 area? 20 A. That sounds like a different question 21 now. 22 Q. Actually, just strike that. 23 You agree that nothing prevented you 24 from doing it, right? 25 A. I agree.</p>

<p style="text-align: right;">Page 109</p> <p>1 Q. In paragraph 15 of your affidavit, can 2 you review that to yourself, please? 3 A. Yeah, that came up in the other 4 statement from Mr. Petrozzi a lot about the green 5 and blue and the difficult. 6 Q. Let me just ask the question -- 7 A. Okay. 8 Q. -- before you start testifying. 9 First of all, you said because the area, 10 the bottom of the Highway run, is not groomed it is 11 blue in difficulty? 12 A. That's what I said. 13 Q. What does that mean? 14 A. That is -- what does it mean? Is that 15 from the angle of the steepness or the difficulty 16 of the run, in this specific area, if that would 17 have been the whole run, it would have been a blue 18 run. 19 Q. The Highway run is designated as a black 20 diamond on the Big Sky trail map, correct? 21 A. Correct. 22 Q. It's designated on a black diamond above 23 the run, correct? 24 A. Correct. 25 Q. There's actually a black diamond on a</p>	<p style="text-align: right;">Page 111</p> <p>1 question might have been how steep was the -- is 2 the Highway run there. 3 Q. So your opinion that the bottom part of 4 the Highway run is blue in difficulty, that doesn't 5 have any relevance to your opinions in this case at 6 least, right? 7 A. Well, if I said that, it has something 8 to do with my opinion. 9 Q. Okay. So how is your opinion that this 10 small area is blue in difficulty? How in your 11 opinion is that relevant to Mr. Meyer's ski wreck? 12 A. Could be because of his speed, how fast 13 he's going. 14 Q. I don't want to know could be. I want 15 to know how it is relevant to your opinions in this 16 case? 17 A. It is -- I don't know. I don't know the 18 answer to that. Sorry. 19 Q. Okay. When you left Big Sky or your 20 employment at Big Sky, you still had a computer 21 with you; is that correct? 22 A. Yes. 23 Q. You did not return the computer when 24 your employment ended, did you? 25 A. No.</p>
<p style="text-align: right;">Page 110</p> <p>1 tree right above Highway, correct? 2 A. Correct. 3 Q. Was there any facts or any information 4 that would have suggested to Mr. Meyer that the 5 resort, Big Sky, contends that this is a blue run? 6 A. No. 7 Q. Okay. So -- and do you believe that 8 skiers can ski out of control on blue runs but not 9 black runs? 10 A. They can be out of control anywhere. 11 Q. But a skier has an obligation to stay in 12 control on -- 13 A. Anywhere. 14 Q. -- either a blue, green or black run, 15 right? 16 A. Yeah. 17 Q. And if a skier does not stay in control 18 on either a blue, black or green run, that's the 19 skier's fault, correct? 20 A. Correct. 21 Q. So how is this relevant, this statement 22 you have that it is your opinion that because this 23 area is not groomed it is blue in difficulty? How 24 is that relevant? 25 A. I don't know how it is relevant. The</p>	<p style="text-align: right;">Page 112</p> <p>1 Q. Didn't you agree to return all Big Sky 2 property when your employment ended as part of the 3 Big Sky handbook? 4 A. No. With Mr. Tom Hawk, he allowed me to 5 keep that laptop because, not last summer but the 6 summers before I needed to get access to some 7 questions regarding accident investigation. So I 8 kept the laptop over the summers. 9 Q. But as soon as your employment ended, 10 you had an obligation to return that to Big Sky, 11 didn't you? 12 A. Which I did. I returned -- I gave the 13 laptop according to your subpoena -- 14 Q. Right. 15 A. -- to Mr. Meyer. That's all I had. 16 Q. So in order for Big Sky to get the 17 computer back, it had to serve you with a subpoena, 18 right? 19 A. No, I would have returned the computer 20 anyways. 21 Q. Well, why didn't you? Why didn't you -- 22 A. Because -- 23 Q. -- return it before you received the 24 subpoena? 25 A. Because there was nobody there to</p>

<p style="text-align: right;">Page 113</p> <p>1 return.</p> <p>2 Q. Do you have any other Big Sky property</p> <p>3 that you have kept since your employment ended?</p> <p>4 A. No.</p> <p>5 Q. Jackets, anything like that?</p> <p>6 A. No.</p> <p>7 Q. Did you tell Mr. Meyer before his</p> <p>8 accident on December 11, 2015 that it was your</p> <p>9 opinion that this area is blue in difficulty?</p> <p>10 A. Did I tell him that before his accident?</p> <p>11 Q. Yes.</p> <p>12 A. I didn't know him before his accident.</p> <p>13 Q. So the answer is you did not tell him</p> <p>14 that, right?</p> <p>15 A. No.</p> <p>16 Q. Have you spoken with any other ski</p> <p>17 patrollers about Mr. Meyer's accident?</p> <p>18 A. Since when?</p> <p>19 Q. At any time.</p> <p>20 A. Since the accident?</p> <p>21 Q. Yes.</p> <p>22 A. Yes.</p> <p>23 Q. Who?</p> <p>24 A. My accident investigation team, Bob</p> <p>25 Dixon, Mike Unruh.</p>	<p style="text-align: right;">Page 115</p> <p>1 Mr. Meyer in this lawsuit with any other ski</p> <p>2 patrollers?</p> <p>3 A. No.</p> <p>4 Q. You have not told any other ski</p> <p>5 patrollers --</p> <p>6 A. No.</p> <p>7 Q. -- that you're helping Mr. Meyer?</p> <p>8 A. No.</p> <p>9 Q. Are you in contact with any Big Sky ski</p> <p>10 patrollers right now?</p> <p>11 A. Well, officially, I'm not allowed to</p> <p>12 talk to any Big Sky employees according to</p> <p>13 Mr. Middleton. I have personal connections who ask</p> <p>14 me how I am doing and I tell them how I'm doing.</p> <p>15 Q. But you've not discussed this case --</p> <p>16 A. No.</p> <p>17 Q. -- or your help -- helping Mr. Meyer</p> <p>18 with any ski patrollers recently?</p> <p>19 A. No.</p> <p>20 Q. Have you deleted any posts from your</p> <p>21 Facebook page recently?</p> <p>22 A. Yeah, I delete posts from my Facebook</p> <p>23 page -- from my page on my profile. I have only a</p> <p>24 profile these days. I saw that you have my</p> <p>25 Facebook page, but that's not active. I make posts</p>
<p style="text-align: right;">Page 114</p> <p>1 Q. And that was all in connection with</p> <p>2 Mr. Meyer coming up and wanting to speak to the ski</p> <p>3 patrol and thank them for saving his life, correct?</p> <p>4 A. In connection with?</p> <p>5 Q. Yes.</p> <p>6 A. No, it was in connection with his</p> <p>7 accident, not his speaking to the patrollers.</p> <p>8 Q. Okay. Did you provide Mr. Meyer with</p> <p>9 the e-mail addresses of the entire ski patrol?</p> <p>10 A. No.</p> <p>11 Q. Are you aware that Mr. Meyer testified</p> <p>12 under oath that you did?</p> <p>13 A. We discussed that, but I didn't.</p> <p>14 Q. Did you tell him that his testimony on</p> <p>15 that point was incorrect?</p> <p>16 A. He said "you provided me the e-mails"</p> <p>17 and I said "I didn't."</p> <p>18 Q. Who did then, if you know?</p> <p>19 A. I don't know.</p> <p>20 Q. Okay.</p> <p>21 A. But I know that there was somebody else</p> <p>22 that he was talked to right when we heard that he's</p> <p>23 suing and I don't know who. But I didn't.</p> <p>24 Q. Have you discussed -- have you ever</p> <p>25 discussed the fact that you're working or helping</p>	<p style="text-align: right;">Page 116</p> <p>1 and I delete and I...</p> <p>2 Q. Did you delete any posts because you</p> <p>3 didn't want us to ask you about them?</p> <p>4 A. No.</p> <p>5 Q. Have you said anything negative about</p> <p>6 Big Sky since your employment ended?</p> <p>7 A. I said it was not nice to send me a two</p> <p>8 liner e-mail not -- that I'm not getting rehired</p> <p>9 without any reason and without any -- any reason.</p> <p>10 Q. Who did you tell that to?</p> <p>11 A. In a live video.</p> <p>12 Q. Have you -- I'm sorry, were you done?</p> <p>13 A. Yeah.</p> <p>14 Q. Have you said anything else negative</p> <p>15 about Big Sky since your employment ended?</p> <p>16 A. No.</p> <p>17 Q. Could you just give me a few minutes to</p> <p>18 review my notes and then we may be done? I'm</p> <p>19 assuming you don't have any questions?</p> <p>20 MS. WALAS: I'll have a few follow-up.</p> <p>21 MR. McINTOSH: Okay.</p> <p>22 VIDEO TECHNICIAN: Do you want to go off the</p> <p>23 record?</p> <p>24 MR. McINTOSH: Yes, please.</p> <p>25 VIDEO TECHNICIAN: We are now off the record.</p>

<p style="text-align: right;">Page 117</p> <p>1 The time is 11:26. 2 (Whereupon, a brief 3 recess was taken.) 4 VIDEO TECHNICIAN: We're now back on the 5 record. The time is 11:32. 6 BY MR. McINTOSH: 7 Q. Ms. Dixon, you understand you're still 8 under oath, don't you? 9 A. I am. 10 Q. Ms. Dixon, you just testified that you 11 didn't -- did not provide John Meyer with the 12 e-mail addresses of the ski patrol, correct? 13 A. Yeah, yes. 14 (Whereupon, Deposition 15 Exhibit Number 74 was 16 marked for identification.) 17 BY MS. BREEAN: 18 Q. I want to hand you what I've marked as 19 Exhibit 74. That is an e-mail between you and John 20 Meyer, correct? 21 A. Yeah. 22 Q. And the title of the e-mail is "Email 23 list," right? 24 A. Yeah. 25 Q. And that is the e-mail in which you</p>	<p style="text-align: right;">Page 119</p> <p>1 Q. And your testimony earlier was not 2 intentionally untruthful? 3 A. It was -- 4 MR. McINTOSH: Objection, leading. 5 THE WITNESS: -- not -- no, I'm not lying. 6 BY MS. WALAS: 7 Q. Now, you were asked some questions about 8 your work experience, correct? 9 A. Correct. 10 Q. And one of those questions was in regard 11 to your current online multilevel marketing 12 business, correct? 13 A. Yeah. 14 Q. And does that business have any 15 relationship to the opinions you're giving in this 16 case? 17 A. No. 18 Q. Okay. And you were also asked about 19 your craniosacral therapy practice? 20 A. Yeah. 21 Q. And does that have anything to do with 22 your opinions in this case? 23 A. No. 24 Q. Now in giving the opinions in this case, 25 are you relying on your experience as Big Sky's</p>
<p style="text-align: right;">Page 118</p> <p>1 provided John Meyer the -- 2 A. Oh. 3 Q. -- e-mail addresses of the Big Sky ski 4 patrol, right? 5 A. It looks like it. Don't recall it, 6 yeah. But that is it. 7 Q. Is there any -- so you agree your 8 testimony that you just provided a few minutes ago 9 was inaccurate, right? 10 A. Yeah. 11 Q. Is there any other inaccurate or 12 untruthful testimony that you provided here today? 13 A. I don't think so. 14 Q. That is all the questions I have for 15 right now. I'll let Ms. Walas ask some questions. 16 A. Okay. 17 18 EXAMINATION 19 BY MS. WALAS: 20 Q. All right. Just a few follow-up 21 questions. 22 You were just asked about this Exhibit 23 Number 74 and had you forgotten that you had sent 24 this e-mail to Mr. Meyer? 25 A. Yeah.</p>	<p style="text-align: right;">Page 120</p> <p>1 former accident investigator? 2 A. Yeah. 3 Q. And are you relying on your experience 4 as a ski patroller? 5 A. Yes. 6 Q. And are you relying on your experience 7 as a ski instructor? 8 MR. McINTOSH: Objection, asked and answered 9 and leading. 10 MS. WALAS: You can answer. 11 THE WITNESS: Yeah. I think every life 12 stream that you go through you collect experiences. 13 BY MS. WALAS: 14 Q. And you were asked questions about 15 whether you could have gone in at any point prior 16 to Mr. Meyer's accident and put up signs or 17 otherwise marked the area where the incident 18 occurred? 19 A. I was asked that, yes. 20 Q. Okay. And was that your responsibility 21 as a Big Sky employee, to put up those signs? 22 A. Not directly. I have -- I have put up 23 signs out of my own authority. Mainly because I'm 24 not out there that much, I am not the one that puts 25 out signs.</p>

<p style="text-align: right;">Page 121</p> <p>1 Q. Okay. And on December 11th, 2015, who 2 was responsible for marking the Challenger area? 3 A. The supervisor of the Challenger patrol 4 and Challenger side of the... 5 Q. And do you recall who that was that day? 6 A. No, I don't remember. 7 Q. Who trains you as an accident 8 investigator? 9 A. More or less myself, besides the 10 training that we get at the refresher. We 11 had -- there was a -- I don't think there actually 12 was anything written besides some of the rules when 13 we're doing accident investigation, so out of my 14 experience looking at former accident 15 investigations and growing with my job. 16 Q. And you've testified and mentioned the 17 refresher multiple times, what is the refresher? 18 A. It's the beginning of the season before 19 we open the ski area and before we do the setup 20 where we do medical training and avalanche 21 trainings and those safety training, many things 22 indoors. We have talks from doctors and we have 23 training stations and talks from our lawyer and 24 Mary from the insurance company talked to us a few 25 times.</p>	<p style="text-align: right;">Page 123</p> <p>1 area as a ski patroller? 2 A. Yes, many years ago. 3 Q. Do you have an idea what year that was? 4 A. Maybe 2008, 2009. 5 Q. And it was your testimony that in your 6 opinion the transition from black to flat was 7 significant here? 8 MR. McINTOSH: Objection, misstates her 9 testimony. 10 MS. WALAS: I'll rephrase the question. 11 BY MS. WALAS: 12 Q. Is it your opinion that the transition 13 from Highway to the road was significant? 14 MR. McINTOSH: Objection, asked and answered. 15 MS. WALAS: You can answer. 16 THE WITNESS: Yes, it's significant. 17 BY MS. WALAS: 18 Q. Okay. And in your opinion should that 19 transition have been marked? 20 MR. McINTOSH: Objection, asked and answered. 21 MS. WALAS: You can answer. 22 MR. McINTOSH: And leading. 23 Go ahead. 24 THE WITNESS: If it would have been marked it 25 could have avoided an accident there.</p>
<p style="text-align: right;">Page 122</p> <p>1 Q. And do you recall any of the people who 2 provided that training by name? 3 A. That training, I already named Mary 4 Bozak and Ian McIntosh. Medical trainings, I know 5 a few of the doctors who were talking for our 6 medical training. 7 Q. And looking at Exhibit 73, paragraph 7, 8 is this in reference to that refresher training? 9 A. Yeah. 10 Q. And also looking at that same Exhibit 11 73, you were asked about paragraph 13. 12 A. Uh-huh. 13 Q. Would an independent risk manager's job 14 in your opinion have been to spot-check the 15 mountain for safety hazards? 16 MR. McINTOSH: Objection, foundation. 17 THE WITNESS: Uh-huh. I believe that's what 18 they should be doing. If I were a risk manager, I 19 would spot detect. 20 BY MS. WALAS: 21 Q. Now, were you ever in charge of marking 22 the Challenger area? 23 A. No. 24 Q. Did you ever -- strike that. 25 Were you ever assigned to the Challenger</p>	<p style="text-align: right;">Page 124</p> <p>1 BY MS. WALAS: 2 Q. And you were asked questions about where 3 Mr. Meyer came down the mountain, correct? 4 A. Yes. 5 Q. And I'm going to show you what has 6 been marked as Exhibit 65, and this is from 7 Mr. McMakin's deposition testimony. And he had 8 marked this as where he believes Mr. Meyer came 9 down. 10 A. Right here where it says 7? 11 Q. Yes, where he has circled, that was 12 where -- we asked him to mark. 13 A. Okay. 14 Q. And looking at this picture, is that the 15 same picture that you relied on in forming your 16 opinions for the affidavit? 17 A. Yes. 18 Q. And is that the transition that you were 19 referencing in your affidavit? 20 A. Correct, this transition here that 21 is -- looks like according to these people that it 22 was a road cut. 23 Q. Okay. And I believe you testified that 24 the trail merges were something that were marked? 25 A. You said what?</p>

<p style="text-align: right;">Page 125</p> <p>1 Q. Did you -- I'm recalling that you 2 testified that trail merges were something that was 3 marked at Big Sky? 4 A. Yes, we have trail merger signs where 5 trails come together, roads and runs and -- yeah. 6 Q. Is this intersection of Highway and the 7 Loop Road considered a trail merge? 8 A. Yes, it's two trails merging together. 9 It's an intersection. Sorry, but intersections in 10 my opinion are like this and trail mergers are also 11 like this and where two runs come together, but it 12 could be a flat angle too. 13 Q. So to clarify, in your opinion 14 what -- how would you describe the meeting of 15 these -- of Highway and Loop Road? 16 A. A transition, an inter -- a transition. 17 Q. Okay. And you were also asked about 18 bombing down the hill, do you recall that? 19 A. Uh-huh. 20 Q. That line of questioning? 21 A. Yes. 22 Q. And you testified about a conversation 23 that you and I had where I described to you what 24 Mr. McMakin described as bombing? 25 A. Uh-huh, yes.</p>	<p style="text-align: right;">Page 127</p> <p>1 wrote in the accident investigation "in my opinion 2 this accident was the fault of the skier," okay, 3 you with me so far? 4 A. Yeah, we don't write that. 5 Q. My question is, if somebody did write 6 that, do you know when that opinion would or would 7 not be admissible into court? 8 MS. WALAS: Objection, calls for a legal 9 conclusion. 10 THE WITNESS: I don't understand the 11 question. I mean an opinion is a subject that 12 court looking for that's not in the accident 13 investigation. 14 BY MR. McINTOSH: 15 Q. Do you know why opinions are not 16 supposed to be in the accident investigation? 17 A. Yes. 18 Q. Okay. Well, why do you think opinions 19 are not supposed to be in the accident 20 investigation? 21 A. Because we are working for Big Sky. 22 Q. But you don't know when opinions are or 23 are not admissible in court, do you? 24 MS. WALAS: Same objection, calls for a legal 25 conclusion.</p>
<p style="text-align: right;">Page 126</p> <p>1 Q. And do you recall me telling you that 2 Mr. McMakin said that to him bombing meant taking 3 the moguls in his thighs under control? 4 A. Yes. 5 Q. Okay. And did that influence your 6 testimony that you gave today in any way? 7 A. No. 8 MS. WALAS: I don't think I have any more 9 follow-up at this time. 10 MR. McINTOSH: Just a couple of real quick 11 questions, Ms. Dixon. 12 RE-EXAMINATION 13 BY MR. McINTOSH: 14 Q. Ms. Dixon, do you know when -- if there 15 are opinions in an accident investigation, do you 16 know when those opinions would or would not be 17 admissible in court? 18 A. I don't understand the question. 19 Q. Well, if somebody -- you are an accident 20 supervisor, correct? 21 A. Uh-huh. 22 Q. Accident investigation supervisor, 23 right? 24 A. Yeah. 25 Q. And let's say a ski patroller at Big Sky</p>	<p style="text-align: right;">Page 128</p> <p>1 MR. McINTOSH: I will stipulate that that 2 calls for a legal conclusion. That's the entire 3 point of this line of questioning. 4 BY MR. McINTOSH: 5 Q. Do you know when an opinion is or is not 6 admissible in court? 7 A. No, I don't. I'm not a lawyer. 8 Q. Right, right. Exactly. So you don't 9 know what's admissible in court because you're not 10 a lawyer -- 11 A. Right. 12 Q. -- right? 13 So do you think maybe that's why you 14 were instructed not to put opinions in the accident 15 investigation? Did that ever occur to you? 16 A. That you can't use it in court? Or that 17 any other lawyer cannot use it in court? We are 18 not writing opinions in the accident investigation 19 because we do not want to harm Big Sky. That's 20 what my and Bob's explanation to me was. 21 Q. So now you're saying that that's what 22 Bob Dixon told you? 23 A. Yeah, when we talked. 24 Q. That's what you believe? That's what 25 you believe is the reason why you didn't put</p>

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<p>1 opinions in there?</p> <p>2 A. The main reason. Because the legal</p> <p>3 outline I don't -- I can't tell you. I'm not a</p> <p>4 lawyer.</p> <p>5 Q. Right.</p> <p>6 A. Yeah.</p> <p>7 Q. So you don't know when an opinion would</p> <p>8 or would not be admissible?</p> <p>9 A. No.</p> <p>10 Q. Right. If opinions were admissible,</p> <p>11 wouldn't it make sense for me to instruct the ski</p> <p>12 patrollers to every time just say "this was the</p> <p>13 skier's fault"?</p> <p>14 A. Well, that would be stupid. I wouldn't</p> <p>15 have had a job as accident investigator. Like I</p> <p>16 wouldn't have had a job in Austria either.</p> <p>17 Q. Mr. Meyer's accident investigation,</p> <p>18 other than speaking with Mr. McMakin two days</p> <p>19 afterwards, you did not actually do any of the</p> <p>20 accident investigation, did you?</p> <p>21 A. No, there was an accident investigator</p> <p>22 out there.</p> <p>23 Q. Right. So you didn't -- you didn't go</p> <p>24 to the scene and take measurements?</p> <p>25 A. No.</p>	<p>1 accident because I wasn't there. I can only read</p> <p>2 what the people were telling me or listen to and</p> <p>3 the grooming, the weather report and...</p> <p>4 Q. Right. So you can look at the</p> <p>5 photographs to determine what the conditions</p> <p>6 are -- were on that day just like anyone else can,</p> <p>7 right?</p> <p>8 A. Yeah.</p> <p>9 MR. McINTOSH: I think that's all the</p> <p>10 questions I have.</p> <p>11 MS. WALAS: I don't think I have any</p> <p>12 follow-up.</p> <p>13 MR. McINTOSH: That's all.</p> <p>14 MS. WALAS: Cool.</p> <p>15 VIDEO TECHNICIAN: Okay. This now ends the</p> <p>16 deposition. The time is 11:51.</p> <p>17 (Whereupon, an off-</p> <p>18 the-record-discussion</p> <p>19 then took place.)</p> <p>20 BY MR. McINTOSH:</p> <p>21 Q. Ms. Dixon, we're back on the record and</p> <p>22 you understand you're still under oath, correct?</p> <p>23 A. Yeah. Do I need this on?</p> <p>24 Q. No. I just want to make clear that you</p> <p>25 have been given an opportunity to read and sign</p>
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<p>1 Q. You didn't take any of the photographs?</p> <p>2 A. I don't think so.</p> <p>3 Q. Did you at any time after Mr. Meyer's</p> <p>4 accident go and actually inspect the scene?</p> <p>5 A. I believe so.</p> <p>6 Q. When?</p> <p>7 A. After the accident.</p> <p>8 Q. When? When after the accident? I mean</p> <p>9 today is after the accident, right?</p> <p>10 A. Yeah. But right after it happened, like</p> <p>11 maybe a day or two afterwards. I don't remember.</p> <p>12 But I'm sure I went there to see what happened.</p> <p>13 Q. And did you take any measurements?</p> <p>14 A. No.</p> <p>15 Q. Did you make any notes of your alleged</p> <p>16 inspection?</p> <p>17 A. No.</p> <p>18 Q. Were the conditions the same?</p> <p>19 A. Can't say that because I was not</p> <p>20 there on the day --</p> <p>21 Q. Right.</p> <p>22 A. -- of the accident.</p> <p>23 Q. You don't know one way or the other,</p> <p>24 right?</p> <p>25 A. I don't know about the conditions of the</p>	<p>1 your deposition transcript and you are declining</p> <p>2 that; is that right?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. So if there's a mistake in the</p> <p>5 deposition transcript, you're not going to come</p> <p>6 into court and say that there was a mistake, right?</p> <p>7 You're just going to rely on what was typed by the</p> <p>8 court reporter?</p> <p>9 A. Yeah, I have to now.</p> <p>10 Q. Okay. That's all. Thank you.</p> <p>11</p> <p>12 (Whereupon, the taking</p> <p>13 of this videotaped deposition</p> <p>14 was concluded at 11:51 a.m.)</p> <p>15</p> <p>16</p> <p>17 SIGNATURE WAIVED</p> <p>18</p> <p>19</p> <p>20 * * * * *</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

1 CERTIFICATE

2 STATE OF MONTANA)

3) ss.

4 COUNTY OF GALLATIN)

5 I, Marla Jeske, Court Reporter - Notary
6 Public, CSR, in and for the County of Gallatin,
7 State of Montana, do hereby certify:

8 That the witness in the foregoing
9 deposition was by me first duly sworn to testify
10 the truth, the whole truth and nothing but the
11 truth in the foregoing cause; that the deposition
12 was then taken before me at the time and place
13 herein named; that the deposition was reported by
14 me in shorthand and later transcribed into
15 typewriting under my direction, and the foregoing
16 pages contain a true record of the testimony of the
17 witness, all done to the best of my skill and
18 ability.

19 IN WITNESS WHEREOF, I have hereunto set
20 my hand and affixed my notarial seal this ____ day
21 of _____, 2020.

22 _____
23 Notary Public for the State of Montana
24 residing at: Bozeman
25 My commission expires: February 04, 2023

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